

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

December 4, 2006 - 7:30 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN ROSS

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Regular Council Meeting of November 6, 2006 (Page 3 of 70)
2. Corner lot set back requirements
 - **Public Hearing**
 - Consider Adoption (Page 7 of 70)
3. Harbor Committee Report of October 11, 2006 (Councilman Howard) (Page 8 of 70)
4. Cemetery Committee Report October 24, 2006 (Councilman Howard) (Page 10 of 70)
5. Safety Advisory & Transportation Committee Report of November 2, 2006 (Mayor Tarr) (Page 11 of 70)
6. The Ordinance Committee Report of November 8, 2006 (Councilman Ross)
The following action by the Committee occurred and will need to be acted upon:
 - Consider Adoption of the Revised Chapter 22, Environmental Ordinance, Article II, Noise (Page 12 of 70)
7. Recreation & Community Enhancement Committee (Vice Mayor Speidel)
The following action by the Committee occurred and will need to be acted upon:
 - Skate Park Experimental Project to Potentially Eliminate Vandalism (Page 22 of 70)

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8. Public Works Committee Report of November 14, 2006 (Councilman Wolffe)
The following action by the Committee occurred and will need to be acted upon:
 - Item 3. Consider Water Meter Request 3570 Main Street (Page 25 of 70)
9. Planning Commission Reports (Councilwoman Richardson)
 - a. Report of Regular October 24, 2006 Meeting (Page 27 of 70)
 - b. Report of Special November 14, 2006 Meeting (Page 30 of 70)*The following action by the Committee occurred on November 28, and will need to be acted upon:*
 - Setting the date for a **Public Hearing** to amend the Zoning Ordinance Section 2.96, by adding to the definition of Main Use (Consider for January 2, 2006 Council Meeting) (Page 45 of 70)
10. Consider a New Position Description Technology Specialist (Page 46 of 70)
11. Consider a New Position Description WaterWorks Development Specialist (Page 49 of 70)
12. Water Tank Contract for Engineering services with W, R & A (Page 51 of 70)
13. Waste Water Study Contract with Waste Water Management, Inc. (Page 59 of 70)
14. VDOT Resolution for Land use Permitt (Page 66 of 70)
15. Consider Hiring Springsted Inc. to Assist in Planner Search
16. Consider a resolution to add Vice Mayor Speidel to All Bank Accounts (Page 67 of 70)
17. Christmas Home Decoration Judging (Judges)
18. Consider a motion to cancel the Regular Council meeting of December 21, 2006. The next regularly scheduled meeting in January will be the first day after the Holiday which is Tuesday, January 2, 2006.
19. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)
20. Closed Meeting in Accordance with Section 2.2-3711(A) (1) of the code of Virginia.
 - Personnel Matters

ADJOURN:

**MINUTES OF THE NOVEMBER 6, 2006
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Anita Speidel, Vice Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolffe, Councilman

Call to Order

Mayor Tarr called the meeting to order at 7:30 p.m.

Invocation

Councilman Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Public Participation

- Mrs. Lois Kelso Hunt requested that the causeway signs be considered in the Town's Comprehensive Plan.
- Mr. Delbert Daisey asked who owns Pine, Oak and Cedar Drives on Piney Island. Mayor Tarr responded that Staff will research who owns the property and let Mr. Daisey know. Mr. Daisey informed Council about the poor road condition. Mayor Tarr mentioned that the Town can grade the road.

Agenda Additions/Deletions and Adoption

Councilwoman Conklin motioned, seconded by Councilman Ross, to adopt the agenda as presented. The motion was unanimously approved.

1. Approval of Minutes.

- Special Council and Planning Commission Meeting of October 9, 2006 - Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.
- Regular Council Meeting of October 19, 2006 - Councilman Wolffe motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

2. Scheduling of a Public Hearing - Corner Lot Setback Requirements.

The Planning Commission in their October 24 meeting recommended to Council for consideration a proposed zoning change regarding setbacks on corner lots. The proposed change will allow structures on corner lots to be placed fifteen (15) feet from the property line. The current zoning requirement is twenty-five (25) feet.

Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to hold a public hearing at the regular Council meeting on December 4, 2006 to amend Sections 3.6.5, 3.9.5, 4.3.5 and 4.6.5 – Corner Lots, item (2) wording as: *“The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures”*. The motion was unanimously approved.

3. Accomack County Board of Supervisors Update.

Islands District Supervisor, Honorable Wanda Thornton, updated Council with several issues that the County is currently facing that may affect the Island:

- Reassessment notices will not be left on doors if property owners are not home; they will be mailed to the property owners.
- Supervisor Thornton invited Council to a meeting with the Army Corps of Engineers and FEMA on December 1 at 10:00 am to discuss flood gates.
- There was a brief discussion regarding the Enterprise Zone.
- Supervisor Thornton announced that the public hearing regarding Wal-Mart will be on November 16.
- Supervisor Thornton recommended that a representative of Chincoteague serve on the Technical Advisory Transportation Committee for the Eastern Shore.
- The bids for the channel bridge will be opened on November 8.
- NASA no longer has to have a permit or pay for a permit to withdraw groundwater. In addition, NASA no longer has a limit on the amount of groundwater they may withdraw.
- Supervisor Thornton stated that she will ask for a meeting with the Army Corps of Engineers regarding dredging of the channel.
- Supervisor Thornton showed Council a map of the impoverished areas of Accomack County. She pointed out these areas on Chincoteague as well.

4. Proclamation for Cemetery Cleanup Week.

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt the following proclamation for Cemetery Cleanup Week.

WHEREAS, throughout our community there are many cemeteries and family burial grounds; and

WHEREAS, over the years, many of the loved ones of those buried in our cemeteries have moved away or are no longer able to tend to these cemeteries; and

WHEREAS, many organizations and individuals throughout our community have volunteered to assist in the cleanup of those sites and common areas within these cemeteries; and

WHEREAS, these organizations and individuals need assistance from all citizens to accomplish their cleanup goals to beautify and preserve our family burial grounds.

NOW, THEREFORE, I Mayor John H. Tarr, do hereby proclaim the week of November 12 through 18, 2006 as Cemetery Cleanup Week within the Town of Chincoteague and call upon our citizens to volunteer to organize and assist in the cleanup of our Island cemeteries.

DATED this 6th day of November, 2006.

Attest:

John H. Tarr, Mayor

Robert G. Ritter, Jr., Town Manager

Councilman Howard announced that the Reed Cemetery will be cleaned on November 18 beginning at 9:00 am.

5. *Cancellation of the Regular Council Meeting of November 16, 2006.*

Councilman Howard motioned, seconded by Councilwoman Richardson, to cancel the regular Council meeting scheduled for November 16, 2006. The motion was unanimously approved.

6. *Street Paving Bid.*

Public Works Director Cosby explained that one bid was received for the paving contract. He stated that the bid was from Interstate Construction of Delmarva, doing business as Branscome Eastern Shore, who has done the Town's paving work from 1998 through 2002 and from 2004 to the present.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to award the street paving contract to Interstate Construction of Delmarva, doing business as Branscome Eastern Shore. The motion was unanimously approved.

7. *Mayor and Council Announcements or Comments.*

- Councilwoman Richardson announced that the Planning Commission will meet on November 14 at 7:00 pm to discuss the Sign Ordinance.
- Councilman Ross announced that the Ordinance Committee will meet on November 8 at 5:30 pm to discuss the Noise Ordinance.
- Councilman Howard announced that the Harbor Committee will not meet in November.

- Mayor Tarr announced that Council has been invited to participate in the Christmas Parade on December 2 at 6:30 pm. He also encouraged Council and the citizens to vote in tomorrow's election.

Adjournment of Meeting

Mayor Tarr announced that the next meeting will be on December 4, 2006 at 7:30 pm. Councilman Howard motioned, seconded by Councilman Wolffe, to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager

MEMORANDUM

To: Mayor & Town Council

Via: Robert Ritter, Town Manager

Date: November 29, 2006

Subject: Proposed Zoning Change; Setbacks on Corner Lots

At the Planning Commission meeting of October 24, 2006, the Planning Commission had a public hearing and endorsed the proposed zoning change, setbacks on corner lots. With that, the Planning Commission has requested the Mayor and Council review the following proposed amendment to the current zoning ordinance. The propose change would allow structures to be placed 15 feet from the property line on corner lots. This would be a change of current zoning from 25' to 15'.

If the Mayor and Council so desires, after a Public Hearing set for December 4, 2006, a motion could read as:

“ Move to amend Sections 3.6.5, 3.9.5, 4.3.5, and 4.6.5 – Corner Lots, item (2) wording as:

The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures”.

MINUTES OF THE OCTOBER 11, 2006
HARBOR COMMITTEE

Members Present

Terry Howard, Chairman

David Ross, Councilman

Ernie Bowden

Mike Handforth

Wayne Merritt, Harbor Master

Robert Ritter, Town Manager

Mike Cosby, Public Works Director

1. Call to Order.

Chairman Howard called the meeting to order at 5:38 p.m.

2. Agenda Adoption.

Mr. Handforth moved, seconded by Councilman Ross, to adopt the agenda. The motion was unanimously approved.

3. Harbor Master update (Wayne Merritt).

Boat Ramp Repair – Mr. Merritt stated that the existing ramp is approximately 25 years old. He added that the repairs were awarded to Mr. Barry Fisher and that the project commenced on October 4. The project will be completed on October 30, 2006.

Dredging of Curtis Merritt Harbor – Mr. Merritt stated that he has contacted Mr. Williams of the Army Corps of Engineers last week. He stated that the funds have been approved, and they are in the process of awarding the project. Mr. Merritt added that they still need to inspect the spoil site prior to work commencing, but that the dredging will begin in April and be completed before Memorial Day.

Other updates by the Harbor Master – Mr. Merritt stated that subleasing is going well. He reported that the stoning of the parking lot is about 80 percent complete. Mr. Merritt informed that he will be putting together a newsletter each month on issues occurring at the Harbor. He asked if the Town is responsible for the light poles at the Harbor because some of them are leaning. If so, he added that Mr. Fisher will help straighten them out with his equipment.

4. Update on the Office & Restrooms (Mike Cosby).

Mr. Cosby updated the Committee on the progress of the restroom project and the possibility of taking it to bid. He stated that he has the plans for the Committee to review after the meeting. There was a brief discussion regarding timer locks on the restrooms for evening hours.

5. Preliminary Layout of a Commercial Boat Dock.

Mr. Ritter introduced a conceptual plan for a commercial boat dock at the end of the Harbor. He stated that Mayor Tarr suggested that the Town research other means of docking commercial vessels so that the bridge will not be in such danger at times. The additional slips may help with revenue and possibly allow for future expansion of boat slips in the Harbor. Mr. Ritter informed the Committee that the total estimated project cost will be about \$70-80,000 for the three wooden dolphin bundle type and \$90-

\$100,000 for steel dolphins. Mr. Bowden explained that it would be hard to obtain a permit because it would be too close to the existing clam beds. He added that the additional slips would exceed the 100-slip maximum requirement of the Health Department permit which would require the Town to add more fixtures to the restrooms.

Chairman Howard entertained a motion for the conceptual plan. No motion ensued; therefore, no action was taken regarding the conceptual plan.

6. Recommendation of a Fifth Committee Member to Break a Tie Vote.

Some consideration was made to add a fifth member to the Committee with the understanding that the Mayor is ex-officio of all committees and could vote if he is in attendance of the meeting.

Chairman Howard entertained a motion for the addition of a fifth Committee member. No motion ensued; therefore, no action was taken regarding the additional member.

7. Committee Member Comments.

- Councilman Ross mentioned that the Downtown Dock needed to be fixed prior to increasing the number of docks for the fishermen.
- Mr. Handforth requested that *boat storage in the parking lot at a reduced rate for slip holders* be added to the agenda for the next meeting.

8. Adjournment.

Mr. Bowden moved, seconded by Mr. Handforth, to adjourn the meeting at 6:41 p.m. The motion was unanimously approved.

MINUTES OF THE OCTOBER 24, 2006
CEMETERY COMMITTEE

Members Present

Ellen Richardson, Councilwoman
Gary Turnquist

Members Absent

Terry Howard, Chairman

Robert Ritter, Town Manager

1. Call to Order.

Councilwoman Richardson called the meeting to order at 5:34 p.m.

2. Agenda Adoption.

Councilwoman Richardson moved, seconded by Mr. Turnquist, to adopt the agenda. The motion was unanimously approved.

3. Approval of the Cemetery Clean-up Message.

Mr. Turnquist stated that he has put together the following message from the Cemetery Committee for the newspaper:

The Chincoteague Cemetery Committee has designated this week as Cemetery Clean-up Week, and Saturday, Nov. 18 as our annual clean-up day. Town residents are strongly encouraged to participate in cleaning family and neighborhood cemeteries in need of attention. Trash and brush can be piled at the roadside and a call to the Town Office will have it removed. This year, our clean-up day is going to concentrate on the Reed Family Cemetery at the rear of the mobile home park off of Deep Hole Road. The late Moose Reed, one of the Town's oldest residents, expressed a desire to see this family cemetery cleaned. Our clean-up day this year is devoted to honoring Moose's wish. From the birth of Moose's father, Thomas Reed in 1850, to the death of Moose this year (he was the youngest of 17 children and died at the age of 93) spans 156 years of Island history in one family. We would like to encourage all who knew Moose to help us in this cleanup. We need volunteers with chainsaws, bow saws, brush clippers, rakes, gloves and willing smiles. This will take place from 9 am to Noon. The rain date will be December 2.

Mr. Turnquist made a motion to approve the message, place and time. Councilwoman Richardson seconded the motion, and it was unanimously approved.

4. Approval of a Proclamation to Send to the Council Meeting of November 6, 2006.

The Committee reviewed the proclamation. Mr. Turnquist moved to send the proclamation as written to Council for consideration at the November 6 Council meeting. Councilwoman Richardson seconded the motion, and it was unanimously approved.

5. Scheduling the frequency of meetings.

There was a consensus of the Committee to hold quarterly meetings.

6. Adjournment.

Mr. Turnquist moved, seconded by Councilwoman Richardson, to adjourn the meeting at 6:26 pm. The motion was unanimously approved.

Safety & Transportation Committee Meeting
2 November 2006
MINUTES

Chairman Tarr called the meeting to order at 5:30 pm.

Present: Hon. John H. Tarr, Chairman
Hon. David Ross
Hon. Glenn Wolffe

Others Present:
Mr. John Nelson Jester

Mr. Rob Ritter, Town Manager
Mr. Edward Lewis, Chief of Police
Mr. Bryan Rush, Emerg. Svcs. Coord.
Mr. Jack Van Dame, Trolley Manager

Dr. Wolffe motioned, seconded by Mr. Ross, to adopt the agenda. The motion was unanimously approved.

1. Briefing by Mr. Terry Potterton, NASA Safety Office

Mr. Potterton briefed the Committee on the upcoming launch of the Minotaur I rocket from NASA-Wallops Island on December 11 and the potential safety impacts of the launch.

2. Emergency Management Report

A. Tropical Depression Ernesto – Mr. Rush stated that approved reimbursement monies from FEMA for Ernesto storm damage will be received directly by the Town and not through the County.

B. Causeway Closures – Mr. Rush stated that VDOT controls the opening and closing of the causeway. He stated that a meeting was held recently with VDOT to establish a plan for causeway closure.

C. Flu-Exercise 2006 – Messrs. Rush and Jester reported on the workshop they attended recently and the information they received during the exercise.

D. Communications – Mr. Rush explained the plan for communications with the public during an emergency situation.

E. Training – Mr. Rush stated that fire drills have recently been conducted at the local schools and the Town Office. He stated that he has established an evacuation plan for the Town Office and that it should be implemented soon.

3. Committee Member Comments

Dr. Wolffe mentioned the importance of keeping communications open all year long with the Fire Department.

Mr. Ross motioned, seconded by Dr. Wolffe, to adjourn the meeting. The motion was unanimously approved.

The next meeting is scheduled for Thursday, December 7, 2006 at 5:30 pm.

Ordinance Committee Meeting
November 8, 2006
MINUTES

Chairman Ross called the meeting to order at 5:30 pm.

Present: Hon. David Ross, Chairman
 Hon. Nancy Conklin
 Hon. Terry Howard

 Hon. Ellen Richardson
 Mr. Rob Ritter, Town Manager
 Mr. Eddie Lewis, Chief of Police

Mrs. Conklin motioned, seconded by Chairman Howard, to adopt the agenda as presented. The motion was unanimously approved.

1. Adoption of the Revised Ordinance: Chapter 22, Article II, Noise.
Town Manager Ritter explained why the ordinance needed to be changed.

Councilwoman Conklin motioned, seconded by Councilman Howard, to approve the revised ordinance: Chapter 22, Article II, Noise, and to recommend that the revised ordinance be sent to Council for consideration. The motion was unanimously approved.

2. Committee Member Comments.

- Mrs. Conklin mentioned that she thought the ordinance was very lenient regarding construction work and grass cutting on Sunday.
- Mr. Howard recommended that the Town Attorney, Mr. Poulson, review the ordinance before it is considered by Council.

Mr. Howard motioned, seconded by Mrs. Conklin, to adjourn the meeting. The motion was unanimously approved.

The next meeting is tentatively scheduled for Wednesday, 13 December 2006 at 5:30 pm.

MEMORANDUM

TO: Ordinance Committee Members

FROM: Robert Ritter, Town Manager

DATE: November 6, 2006

RE: Adoption of the newly revised Ordinance, Chapter 22, Article II, Noise Environment Ordinance

The Police Chief has had some court cases thrown out of court because of our language in the noise portion of the environment ordinance that will require modification. The Police Chief and I have reviewed the Ordinance, Chapter 22; Environment, Article II, Noise and have revised certain section in bold and applied strike marks for deleted portions. It is staffs opinion and my opinion that the committee endorses a motion that would send this ordinance to the Mayor and Council for their possible endorsement.

“ Move to accept this revised environment ordinance, Chapter 22, article II, noise and send it to the Mayor and Council for their favorable endorsement.”

If you have any questions please feel free to give me a call.

**REVISED 11/06/06
ENVIRONMENT***

Article I. In General

Secs. 22-1—22-25. Reserved.

Article II. Noise

Sec. 22-26. Definitions.
Sec. 22-27. Authority.
Sec. 22-28. Exemptions for nonprofit organizations.
Sec. 22-29. Exemptions for governmental functions.
Sec. 22-30. Measurement of noises.
Sec. 22-31. Cease and desist.
Sec. 22-32. Violation and penalties.
Sec. 22-33. Injunctive relief.
Sec. 22-34. Unreasonably loud noises prohibited.
Sec. 22-35. Certain prohibited noises enumerated.
Sec. 22-36. Construction noises.
Secs. 22-37—22-60. Reserved.

Article III. Nuisances

Division 1. Generally

Sec. 22-61. Prohibited generally.
Sec. 22-62. Certain nuisances enumerated.
Sec. 22-63. Responsibility of property owners, occupants and others.
Sec. 22-64. Penalty
Secs. 22-65—22-90. Reserved.

Division 2. Abatement

Sec. 22-91. Inspections, investigations and complaints.
Sec. 22-92. Right to enter private premises.
Sec. 22-93. Notice to cease and desist.
Sec. 22-94. Notice to abate condition; appeal.
Sec. 22-95. Failure to comply with notice to abate.

***Charter reference**—Noise, abatement of nuisances, ch. 2, § 1(21), (35).

Cross references—Animals, ch. 10; buildings and building regulations, ch. 14; dangerous buildings, § 14-86 et seq.; storage tanks for inflammable or explosive substances, § 26-2; floods, ch. 30; parks and recreation, ch. 42; solid waste, ch. 46; streets, sidewalks and other public places, ch. 50; utilities, ch. 62; vegetation, ch. 66; waterways, ch. 70; zoning, app. A; land subdivisions and development, app. B.

State law references—Erosion and sediment control, Code of Virginia, § 10.1-560 et seq.; stormwater management, Code of Virginia, § 10.1-603.3; local air pollution ordinances, Code of Virginia, § 10.1-1321; abatement or removal of nuisances, Code of Virginia, §§ 15.2-900, 15.2-1115.

Sec. 22-96. Arrest for committing or maintaining nuisance.
Secs. 22-97—22-125. Reserved.

Article IV. Erosion and Sediment Control

Sec. 22-126. Town subject to county ordinance.
Secs. 22-127—22-150. Reserved.

Article V. Cemeteries

Sec. 22-151. Definitions.
Sec. 22-152. Purposes and authority.
Sec. 22-153. Prohibited acts.
Sec. 22-154. Non prohibited acts.
Sec. 22-155. Inspection.
Sec. 22-156. Violation and penalties.
Sec. 22-157. Injunctive relief.

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ARTICLE I. IN GENERAL

Secs. 22-1—22-25. Reserved.

ARTICLE II. NOISE

Sec. 22-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ANSI means the American Standards Institute or its successor bodies.

Daytime hours means 7:00 a.m. to 12:00 a.m. midnight, local time.

dB(A) is the abbreviation for the sound level in decibels determined by the A-weighting network of a sound-level meter or by calculation from octave band or one-third octave band data.

Decibel (dB) means a unit of measure, on a logarithmic scale, or the ratio of a particular sound pressure squared to a standard reference pressure squared. For the purpose of this article, 20 micropascals shall be the standard reference pressure.

Nighttime hours means 12:00 a.m. midnight of one day through 7:00 a.m.

Noise means the intensity, frequency, duration and character of sound, including sound and vibration of subaudible frequencies.

Person, firm or entity means any individual, group of individuals, lessee, lessor, guest, licensee, firm, partnership, voluntary association or private or public corporation, specifically including any person in charge of or supervising any property owned or possessed by any such person, firm or entity.

Sound level means, in decibels, the weighted sound-pressure level measured by the use of a sound-level meter satisfying the requirements of ANSI SI.4, 1971, Specifications for Sound-Level Meters. The terms "sound level" and "noise level" are synonymous.

Sound-level meter means an instrument meeting ANSI SI.4, 1971, Specifications for Sound-Level Meters, comprising a microphone, an amplifier, an output meter and frequency weighting networks, that is used for the measurement of sound-pressure levels in a specified manner.

Source means any person or property, real or personal, contributing to noise.
(Code of 1977, § 12-10; Ord. of 6-21-2001)

Cross reference—Definitions generally, § 1-2.

Sec. 22-27. Authority.

This article is adopted pursuant to the authority contained in the Charter, chapter 2, section 1(48), (49) and (5), and Code of Virginia, § 15.2-1102.
(Code 1977, § 12-22; Ord. of 5-15-1999)

Sec. 22-28. Exemptions for nonprofit organizations.

This article shall not apply to any function or activity and the noise emanating therefrom conducted by any nonprofit organization which secures a permit from the town manager, who may issue such a permit if, in his reasonable discretion, the public health and safety will not be impaired by the function or activity.

(Ord. of 5-15-1999, § 12-14)

Sec. 22-29. Exemptions for governmental functions.

This article shall not apply to the use of any machines or the noise emanating from the use thereof when operated or utilized by the town while performing municipal functions, such activities and noises being expressly exempted from this article.

(Ord. of 5-15-1999(1), § 12-15)

Sec. 22-30. Measurement of noises.

(a) Wherever in this article ~~any noise level is prohibited by or is to be determined by~~ decibel level **is mentioned, it shall be** the measurement of such emanating sound ~~shall be~~ conducted at the nearest corner of the main structure on the real estate owned, possessed, or being lawfully used by any affected party who makes complaint thereof. Such measurement shall be conducted at a height of at least three feet above ground and at least three feet from any reflecting surface. Any such prohibited decibel level will be exceeded when the sound level meter set for FAST response, using the A-weighting network, exceeds the specified-level

(b) Measurement equipment shall be sound-level meters complying with ANSI SI.4, 1983, American National Standard Specifications for Sound-Level Meters, ANSI SI.4a-1985, and amendment to ANSI SI.4, or IEC 651-1979, "Sound Level Meters", of at least type 2 quality and sensitivity, comprising a microphone, amplifier, output meter and frequency weighting network. The meter operation shall be as prescribed by the equipment manufacturer, from time to time.

(Amended 02/19/04)

(c) Measurement equipment operators shall be officers of the police department who have been trained in the proper use of the sound-level meter by the equipment manufacturer. Representatives of the manufacturer may also train those department officers who are certified instructors, as designated by the Commonwealth Department of Criminal Justice Services, who may then train other officers within the department.

(Ord. of 5-15-1999(1), § 12-16)

(d) **Wherever in this article mentions the fact that such emanating sound is plainly audible at a distance of Fifty (50) feet or more from said source thereof, shall be sufficient to create a presumption of fact that such noise is a loud, unnecessary or unusual noise or a noise that either annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others as prohibited by this Article, shall also be a instrument for measuring noise.**

Sec. 22-31. Cease and desist.

No prosecution shall be initiated under this article unless and until there has been a complaint by any affected person, firm or entity, excepting noises emanating from publicly used and/or owned property and as described in Sec. 22-35(3)(b) and (4), and such violating person, firm or entity has been advised of the violation of this article and such person, firm or entity has failed to cease and desist such unlawful noise. For the purposes of this section, any such warning to any such violating person, firm or entity shall

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be continuous and sufficient for the 30-day period then following as to the same noise or the same type or similar or like noise, and no further warning shall be required during such period.

(Ord. of 5-15-1999(1), § 12-17) (*Amended 02/19/04*)

Sec. 22-32. Violation and penalties.

Any violation of this article shall constitute a misdemeanor and shall be punishable by confinement in jail for a period not to exceed 12 months and/or a fine of not more than \$500.00. (Ord. of 5-15-1999(1), § 12-18)

Sec. 22-33. Injunctive relief.

In addition to any criminal penalty for the violation of this article, the town manager is further authorized on behalf of the town to initiate and seek injunctive relief in the circuit court of the county to prohibit any such unlawful noises as provided for in this article.

(Ord. of 5-15-1999(1), § 12-19)

Sec. 22-34. Unreasonably loud noises prohibited.

(a) It shall be unlawful for any person to make, continue or cause to be made any unreasonably loud noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the corporate limits.

(b) It shall be unlawful for any person, firm or entity to knowingly permit the making of any such unreasonably loud noise or any noise which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others upon any premises owned, possessed or under the control of any such person, firm or entity within the corporate limits.

(Ord. of 5-15-1999(1), § 12-11)

Sec. 22-35. Certain prohibited noises enumerated.

The following acts and/or noises are declared to create and/or constitute unreasonably loud noises prohibited by this article, and it is expressly provided that such enumeration shall not be exclusive, and the failure to enumerate a specific act and/or noise shall not be deemed to exclude any such act and/or noise from this article:

- (1) Generally, district levels. The making of any noise at a sound/noise level exceeding that level permitted in decibels in the applicable zoning district of the town within the specified period, measured as follows, excepting such noises as are either expressly regulated by other sections of this article or exempted:

<i>District</i>	<i>Daytime Level (dBA)</i>	<i>Nighttime</i>
<i>Level (dBA)</i>		
R-1	65	55
R-2	65	55
R-3	65	55

<i>District</i>	<i>Daytime Level (dBA)</i>	<i>Nighttime Level (dBA)</i>
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C-1	70	60
C-2	70	60

(Amended 02-19-04)

(2) *Horns, signaling devices, etc.*

- a. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any town street, way, avenue or alley, or other public place, except as a danger warning;
- b. The creation by means of any such horn or signaling device of any unreasonably loud or harsh sound;
- c. The sounding of any such horn or signaling device for an unnecessary or unreasonable length of time;
- d. The use of any horn or signaling device operated by engine exhaust; and
- e. The use of any horn or signaling device when traffic is for any reason stopped and such horn or signaling device is not being reasonably utilized as a danger warning.

(3) *Radios, phonographs, musical instruments, loudspeakers, etc.*

- a. Use of, operation of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound on private property that is above the permitted decibel level as measured in a zoning district as specified in this section **in such a manner as is unreasonably loud as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time, with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto.**
- b. Use of, operation of or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph or other machine or device for the producing of sound on the public streets or other public ways in such a manner as is unreasonably loud so as to disturb the peace, quiet and comfort of other persons or at a louder volume than is necessary for the convenient hearing of the individual carrying the instrument, machine or device or those individuals immediately adjacent thereto and who are voluntary listeners thereto. **For purposes of this subsection, the fact that such emanating sound is plainly audible at a distance of Fifty (50) feet or more from said source thereof, shall be sufficient to create a presumption of fact that such noise is a loud, unnecessary or unusual noise or a noise that either annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others as prohibited by this Article**
- c. Using, operating or permitting to be played, used or operated any radio, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound ~~which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any~~

ENVIRONMENT

~~location~~ between the hours of 8:00 P.M. and 8:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located .

- d. **The using, operating or permitting to be played, used or operated of any loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located.**
- (4) *Yelling, shouting, hooting, whistling and singing.*
- a. **Yelling, shouting, hooting, whistling, or singing on the public streets or public areas or from private property at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any dwelling, motel, hotel, residence, business, or in the vicinity of any such noise, between the hours of 8:00 A.M. and 8:00 P.M., after having been warned to quit or cease such noise making. For purposes of this subsection, the fact that such emanating sound is plainly audible at a distance of Fifty (50) feet or more from the said source thereof, shall be sufficient to create a presumption that such noise is a loud, unnecessary or unusual noise or a noise that either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others as prohibited by this Article.**
 - b. **Yelling, shouting, hooting, whistling, or singing on the public streets or public areas or from private property at any time in such a manner as to be plainly audible at a distance of fifty (50) feet from the public street, public area, building, structure, or vehicle from which the noise emanates, between the hours of 8:00 P.M. and 8:00 A.M.**
- (5) *Operation of boats and other water vessels.* The operation of any boat or other water vessel with an outboard motor or with an inboard motor, unless equipped with an adequately muffled exhaust system. The use of any siren or other noise-producing or noise-amplifying instrument or mechanical device on a boat in such a manner as the peace and good order of the neighborhood is disturbed; provided, however, that nothing in this article shall be construed to prohibit the use of whistles, bells, or horns as signals as required by any state or federal law for the safe navigation of motorboats or vessels.
- (6) *Animals, birds, etc.* The maintaining of any animal or bird which, by causing frequent or long noise, shall disturb the comfort or repose of any person in the vicinity.
- (7) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper town authorities.
- (8) *Exhausts.* The discharge in the open air of the exhaust of any steam engine, stationary internal combustion engine, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (9) *Defect in vehicle or equipment.* The operation of any automobile, motorcycle or vehicle so out of repair, so equipped, or in such a manner as to create loud and unnecessary grating,

grinding, rattling or other noise.

- (10) *Loading or off-loading of vehicle or vessel.* The loading or off-loading of any vehicle or vessel creating loud and disturbing noise between the hours of ~~10:00~~ **9:00** p.m. and 7:00 a.m. on weekdays and between 6:00 p.m. and 7:00 a.m. on weekends, with the exception of the loading or off-loading of perishable products, and except when a permit is granted by the town manager, in a bona fide emergency to life or property, and the public health and safety will not be impaired by such work, as reasonably determined by the town manager.
- (11) *Schools, courts, churches, hospitals, etc.* The creation of excessive noise on any street adjacent to any school, institution of learning, church, hospital, clinic, or public building, when such is in use, which unreasonably interferes with the workings of such institution or building, provided that conspicuous signs are displayed on such streets indicating that such is a school, church, hospital, clinic or other public building.
- (12) *Hawkers, peddlers, etc.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (13) *Grasscutters, tillers or other similar mechanical devices.* The operation of any grasscutter, tiller or other similar mechanical device utilizing a gasoline or diesel powered engine creating an emanating sound plainly audible beyond the property line of the property at which the device is being utilized, except between the hours of 7:00 a.m. and 9:00 p.m., Monday through Saturday, **and Sunday from 1:00 - 4:00 p.m. for the property owner('s), inclusive.**

(Ord. of 5-15-1999(1), § 12-12)

Sec. 22-36. Construction noises.

(a) The erection, excavation, demolition, alteration, or repair of any building or other improvement other than between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, **and Sunday from 1:00 - 4:00 p.m. for the property owner('s), inclusive,** is prohibited, except when a permit is granted by the town manager, in a bona fide emergency to life or property, and the public health and safety will not be impaired by such work, as reasonably determined by the town manager.

(b) The making of any noises at a sound/noise level exceeding 89 decibels from any construction site, as measured as provided in this article, is prohibited at any time.

(Ord. of 5-15-1999(1), § 12-13)

**MINUTES OF THE NOVEMBER 9, 2006
RECREATION & COMMUNITY ENHANCEMENT COMMITTEE**

Members Present

Anita W. Speidel, Chairwoman
Ellen W. Richardson, Councilwoman
David Ross, Councilman

Gene Wayne Taylor
Jack Van Dame
Robert Conklin

Robert Ritter, Town Manager
Edward Lewis, Police Chief
Kenny Lewis, Building & Zoning Admin.

1. Call to Order.

Chairwoman Speidel called the meeting to order at 5:34 p.m.

2. Agenda Adoption.

Jack Van Dame moved, seconded by Councilwoman Richardson, to adopt the agenda. The motion was unanimously approved.

3. Skate Board Park Experimental Project to Potentially Prohibit Vandalism.

Town Police Chief Lewis explained that he wanted to begin an experimental project to cut down or eliminate graffiti in the Town and the Skating Park. He mentioned that he would like to place two 4' x 8' sheets of plywood, or similar material, at the Skate Park in Memorial Park for some of the Island youth to paint on. There would be strict rules regarding the type of language and drawings permitted on the boards. No foul language or obscene drawings will be permitted, and other rules will be established as necessary. If the experiment does not work, the sheets of plywood will be removed.

Mr. Van Dame moved, seconded by Councilwoman Richardson, to recommend to Council that Chief Lewis install the sheets of plywood at the Park to possibly eliminate graffiti. The motion was unanimously approved.

4. Proposed Weed Ordinance, Section 66, Letter from the Town Attorney.

Building and Zoning Administrator Lewis explained that he has read the attorney's opinion and would like more time to investigate what other Municipal communities are enforcing as a means of grass being at an undesirable height.

The Committee agreed to allow Mr. Lewis and Mr. Ritter to look into other communities in Virginia on the height of grass limit and enforcement.

5. Committee Member Comments.

- Mr. Taylor requested that the following items be placed on the agenda for the next meeting:
 - Kayaks at the park in front of the High School
 - A plan for a certain type of architecture for certain areas of Town
 - Stripe a bicycle path down Hallie Whealton Smith Drive
 - Brick crosswalks downtown.
- Councilman Ross requested that the causeway sign issue and Bridge street parking be added as well.

6. Adjournment.

Councilwoman Richardson moved, seconded by Mr. Conklin, to adjourn the meeting at 6:25 p.m. The motion was unanimously approved.

Public Works Committee Meeting
14 November 2006
MINUTES

Chairman Wolffe called the meeting to order at 5:30 pm.

Present: Hon. Glenn Wolffe, Chairman
 Hon. Terry Howard
 Hon. John Tarr
 Mr. Michael Cosby, Public Works Director

 Mr. Robert Ritter
 Ms. Nancy Conklin
 Mr. David Ross
 Ms. Ellen Richardson
 Mr. Ray Rosenberger
 Mr. David Snead

Public participation – Ms. Richardson expressed concerns over the propriety of displaying the U.S. flag at night without lighting. She also requested that the Fire Department receive prior notification when the water storage tanks were out of service for repair.

Mr. Wolffe made a motion to adopt the agenda with the addition of item number six, the engineering services proposal. Mr. Tarr seconded and the motion was approved.

1. Consider approval of 10 October 2006 Minutes. Mr. Tarr made a motion to approve the minutes as presented. Mr. Wolffe seconded and the motion was approved.
2. Director's report. Mr. Cosby briefly updated the status of several projects and issues.
3. Consider water meter request 3570 Main Street. Some time ago there were two meters at this property and now the owner wishes to have one restored. The committee discussed the specifics of this issue, including if the service should be grandfathered and if so whether to charge the owner for the meter and/or the availability fee. Mr. Tarr moved that the request be forwarded to the Town Council for action, which was seconded by Mr. Wolffe. The motion was approved.
4. Consider request to allow plumbers to operate water meters. A request from local plumbers to be able to turn off water meters for winterization purposes was debated. The committee refrained from action as this would require a change in the Town Code but referred the issue to staff for the consideration

of alternatives. Mr. Cosby agreed to continue to do our best to respond to turn off requests within 24 hours and to offer this service on Saturdays when possible.

5. Church Street paving/drainage/water line project. The committee discussed some of the difficulties in a project of this size and scope as well as various ways to complete and fund the project. Mr. Cosby stated that he would get the preliminary work started.
6. Whitman, Requardt & Associates engineering services proposal. A proposal for engineering services for the roof and rafter replacement at the ground water storage tank was presented. Mr. Cosby was directed to speak with the engineers to find out if cost reductions were possible.
7. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Selection of Engineers for Wastewater Feasibility Study. Mr. Wolfe motioned, seconded by Mr. Tarr, to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss selection of engineers from the Town's Request for Qualifications. The motion was unanimously approved.

Mr. Howard motioned, seconded by Mr. Wolfe, to reconvene in regular session. The motion was unanimously approved.

Mr. Wolfe motioned, seconded by Mr. Howard, to adopt a resolution of certification of the closed meeting.

Whereas, the Public Works Committee has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act: and

Whereas, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Committee that such closed meeting was conducted in conformity with Virginia law:

Now, Therefore Be It Resolved that the Chincoteague Public Works Committee hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee.

Vote: Ayes - Howard, Wolfe, Tarr

Nays - none

Absent - none

Mr. Howard motioned that we begin negotiations with the four firms in contention in the order of their ranking: 1). Wastewater Management, 2). Hazen & Sawyer, 3). Whitman, Requardt & Associates and 4). G.M.B. This motion was seconded by Mr. Tarr and approved unanimously.

8. Committee member comments. Mr. Howard voiced concerns over the public perception of committee meetings, especially the participation of non-committee members.

Mr. Ritter announced that he would be meeting with Tim Holloway from VDOT on November 17, 2006 to explore the possible acquisition of property for future road projects.

Mr. Howard moved to adjourn the meeting at 9:30 pm. Mr. Tarr seconded and the motion was approved unanimously.

The next meeting is scheduled for Tuesday, December 12, 2006 at 5:30 pm.

MINUTES OF THE OCTOBER 24, 2006 MEETING OF THE CHINCOTEAGUE PLANNING COMMISSION

Members Present:

Mr. Ray Rosenberger, Chairman
Mr. Ray Daisey
Mrs. Ellen Richardson
Mr. Bob Behr
Mr. Tom Derrickson
Mr. Kenny L Lewis, Staff Support

Members Absent:

Mrs. Cherrix
Mrs. Wolfe

1. Call to Order.

Chairman Rosenberger called the meeting to order at 7:00 pm, followed by the Pledge of Allegiance. Motion by Mrs. Richardson, second by Mr. Behr to adopt the agenda with the addition of BZA review, Historic & Recreation Committee and Commissioners comments. All in favor. Motion carried.

2. Public Comments

No public comments

3. Minutes of September 26, 2006.

Mr. Derrickson motioned, seconded by Mr. Behr, to approve the minutes. All in favor. Motion carried.

4. Public Hearing: Special Use / Condition Use Permits

Public hearing is withdrawn.

5. Public Hearing: Corner Lots

Mr. Rosenberger advised that staff had reviewed this and determined that the side yard abutting a side road does not affect the site triangle at the intersection.

Mr. Rosenberger read the proposed change to the public: Sections 3.6.5, 3.9.5, 4.3.5, and 4.6.5 *"The side yard set back abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures. If such parcel is water front property the side yard setback abutting a street, road, right-of-way, or easement shall be 25 feet."*

David Ross was concerned about the 25' setback from the roads on corner lots. Mr. Ross was concerned this was a safety issue. Mr. Ross questioned how is this change justified due to the safety issue where they would allow the buildings to be closer to the lot lines.

Mr. Rosenberger advised that staff had reviewed this matter and determined that the buildings closer to the side lot line does not affect the site triangle at intersections.

Mr. Ritter advised that the 15' side yard setback is adequate for intersections. Mr. Ritter advised that in Dover there are many homes that are 10' from the side yard property line.

Motion by Mr. Derrickson, second by Mr. Daisey to send the following to the Mayor and Town Council for public hearing; Sections 3.6.5, 3.9.5, 4.3.5, and 4.6.5 *"The side yard set back abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures"*.

6. Sunset Bay Revised Marina Site Plan

Steve Fuller of Fuller and Hall spoke on behalf of Sunset Bay regarding the location of the fire hydrants and the paving of the parking lot to VDOT standards.

Mr. Rosenberger advised that in the packet there is a letter from J.W. Jeffries regarding the location of the fire hydrants.

Mr. Fuller advised that the road going into Sunset Bay will meet the minimum requirements of VDOT. Mr. Fuller advised that Mr. Jeffries gave them permission to park along the roadway.

Mr. Rosenberger voiced his concerns of the fire safety of the location of the fire hydrants. Mr. Behr agreed with Mr. Rosenberger.

Mr. Derrickson motioned, second by Mrs. Richardson to approved the revised site plan for the marina. All in favor. Motion carried.

7. Proposed changes in the definition of Main Use for waterfront structures

Mr. Rosenberger read the proposed change to add the following wording to the definition of main use:

A dock, including a boat lift(s), used in conjunction with the main use of a lot or structure, which is in compliance with all applicable County, State, and Federal regulatory and statutory provisions and permitted by all required agencies, is a secondary, incidental or accessory use or structure.

Only open-sided shelter roof structures designed to shelter single boat slips and boat lifts, and gazebo-type structures are permitted by right. Such structures shall not exceed a combined total of 400 square feet and can be constructed and/or maintained on any dock, pier, or dock or pier platform in all zoning districts. Such structures shall not exceed 12 feet in height and have a roof pitch not to exceed 2:12.

A structure erected on a lot, the specific location of which is not subject to the jurisdiction of the Accomack County Wetlands Board, the Virginia Marine Resource Commission, and/or the United States Army Corps of Engineers, and used in conjunction

with the main use of a lot or permitted building is a secondary, incidental or accessory use or structure.

Mrs. Richardson motioned, seconded by Mr. Derrickson to send the proposed change to public hearing. All in favor. Motion carried.

7. Review of Redman/Johnson recommendations

Mr. Rosenberger advised the Committee that there is a proposed meeting on November 15th to go over a draft comprehensive plan.

8. Review of By-Laws

Motion by Mr. Daisey, second by Mrs. Richardson to postpone this matter until the next meeting due to some members absent. All in favor. Motion carried.

9. Review BZA Case for month of November

Mr. Rosenberger reviewed with the Committee the appeal for Megan McCook for front yard setback variance.

The Committee recommended no action on the appeal.

10. Historic & Recreation Sub-Committee

Mr. Rosenberger advised that they received some applications to serve on this committee from the Eastern Shore Post. Mr. Rosenberger questioned Mr. Ritter why the notice was not placed on Channel 9. Mr. Ritter advised he needed to discuss the matter with the Mayor.

11. Commissioners Comments

Mr. Rosenberger handed out some information regarding the Planning Commissions role in zoning he received in a class back in June.

12. Adjournment.

Mr. Rosenberger announced that the next work session for the Planning Commission will be held on November 14, 2006 at 7:00 pm. The purpose of this work session will be to review the sign ordinance.

Chairman Rosenberger adjourned the meeting.

Mr. Ray Rosenberger, Chairman

**PLANNING COMMISSION SPECIAL MEETING
14 NOVEMBER 2006
MINUTES**

Members Present:

Mr. Ray Rosenberger, Chairman
Mrs. Ellen Richardson
Mrs. Mollie Cherrix
Mrs. Jane Wolffe
Mr. Tom Derrickson
Mr. Ray Daisey
Mr. Bob Behr

Members Absent:

Mr. Kenny L. Lewis, Staff Support

AGENDA ADOPTION

Mrs. Richardson motioned, seconded by Mr. Behr to adopt the agenda. The motion was unanimously approved. Mr. Daisey requested that public participation be placed on all agendas.

1. REVIEW OF SIGN ORDINANCE.

The commission reviewed and approved the following proposed changes in the sign ordinance:

Article VII. Signs

Section A. Purpose and Intent

- | | |
|------------|---------------------------------------|
| Sec. 7.1. | Introduction. |
| Sec. 7.2. | Definitions |
| Sec. 7.3. | Signs as a matter of right. |
| Sec. 7.4. | Temporary signs. |
| Sec. 7.5. | Construction and maintenance. |
| Sec. 7.6. | Prohibited signs. |
| Sec. 7.7. | Nonconforming signs. |
| Sec. 7.8. | Protection of First Amendment rights. |
| Sec. 7.9. | Removal. |
| Sec. 7.10. | Variances. |

Section B. Standards and Criteria

- | | |
|------------|------------------------|
| Sec. 7.11. | Generally. |
| Sec. 7.12. | Residential districts. |
| Sec. 7.13. | Commercial districts. |

SECTION A. PURPOSE AND INTENT

Sec. 7.1. Introduction.

7.1.1. Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent streets, sidewalks and property.

7.1.2. The provisions of this ordinance are made to establish reasonable and impartial regulations for all signs wherever placed out-of-doors in view of the general public or wherever placed indoors as a window and to further the objectives of the comprehensive plan; to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians; to ensure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to preserve our natural, architectural and cultural uniqueness assets; to protect property values; and to further economic development.
(Ord. of 4-3-1995)

Sec. 7.2 DEFINITIONS

For the purpose of this ordinance, certain words and terms are defined as follows (words used in the present tense include the future, words in the singular include the plural, and the plural includes the singular):

Sec. 7.2.1 Abandon Sign. A sign which no longer identifies a bona fide business, lessor, service, owner, product, or activity, time of event passed, and/or for which no legal owner can be found. The definition shall also include any sign structure which no longer supports the sign for which it was designed.

Sec. 7.2.2. Address and name of resident. A sign indicating address and/or name of residential occupants of the premises, and not including any commercial advertising or identification. (Additional address numbers are permitted on structures.)

Sec. 7.2.3 Animated Sign. A sign which uses movement or change of lighting to depict action, words, graphics, commercial message or creates a special effect or scene.

Sec. 7.2.4 Art Work. Works of art displayed on a structure, that do not include any commercial messages or references.

Sec. 7.2.5 Awning. Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

Sec. 7.2.6 Awning sign. A sign placed directly on the surface of an awning.

Sec. 7.2.7. Banner. A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, or paper.

Sec. 7.2.8. Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not in the same zone as the light source; also light with one or more beams that rotate or move.

- Sec. 7.2.9. Billboard. See "Off-premises sign."
- Sec. 7.2.10. Bulletin board sign. A particular type of changeable copy sign that displays copy in a casement made of glass or plexi-glass.
- Sec. 7.2.11. Business Sign. A sign which directs attention to a product, commodity or service available on the premises.
- Sec. 7.2.12. Canopy. An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.
- Sec. 7.2.13. Canopy sign. A sign attached to a canopy.
- Sec. 7.2.14 Changeable copy sign. A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.
- Sec. 7.2.15. Clearance (of a sign). The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishment, extending over that grade.
- Sec. 7.2.16. Commercial directional signs. Signs giving on-site directional assistance for the convenience of the public.
- Sec. 7.2.17. Commercial message. Any sign, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.
- Sec. 7.2.18. Directional. A directional sign is one indicating the direction to which attention is called, four square feet or less in area.
- Sec. 7.2.19. Direct sales. The sale of goods and/or services to the end user. Most retail sales are direct or end sales.
- Sec. 7.2.20. Directional sign. Provides on-site directional assistance for the convenience of the public such as location of exits, offices, entrances, and parking lots. The name of the firm or business may be included on the sign.
- Sec. 7.2.21. Directory sign (commercial). A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.
- Sec. 7.2.22. Directory sign (governmental). A sign erected, owned and maintained by the Town of Chincoteague within the public right-of-way to indicate to the traveling public the route and distance to public accommodations, facilities, commercial services and points of scenic, historical, cultural, recreational, educational or religious interest. Such signs shall conform to all applicable state regulations regarding the placement of signs in public right-of-ways.
- Sec. 7.2.23. Festoons. A string of ribbons, tinsel, flags, or pinwheels.
- Sec. 7.2.24. First Amendment right signs. Any sign lawfully advocating any political, social, religious, or other cause or position of the person or persons exhibiting such, the content of which would be protected by such person or person's right to freedom of speech as defined under the

First Amendment to the United States Constitution and/or article I, section 12 of the Constitution of Virginia subject to the restrictions hereinafter provided. Such permitted signs shall not contain any message of a commercial nature and shall not direct attention to a business operated for profit or any entity operated on a non-profit basis, or to the sale or gift of any commodity or service, nor shall such exhibitor charge a fee therefore. Such signs shall be permitted both in residential and commercial districts. No such sign, or combination of signs, in a residential district shall exceed thirty two (32) square feet in area, exceed five (5) feet in height, and shall comply with all applicable setbacks in such residential district. Any such sign or signs within a commercial district shall comply with all the criteria of 7.12.1 as to size and location. Any such sign may be constructed of cardboard. Any such sign shall comply with all other applicable provisions of Article VII, except as expressly excepted. (Amended 4/3/95)

Sec. 7.2.25. Flag. (commercial) Any fabric, banner, or bunting, containing distinctive colors, patterns, or symbols or wording.

Sec. 7.2.26. Flag. (governmental) Any fabric, banner, or bunting, containing distinctive colors, patterns, or symbols, used as a symbol of a government political subdivision or other entity.

Sec. 7.2.27 Flashing sign. Any signs that include light which flash, blink or turn on and off intermittently, including searchlights (not including time and temperature signs)

Sec. 7.2.28. Freestanding sign. The general term for any on-site sign which is supported from the ground and not attached to a building.

Sec. 7.2.29. General advertising Sign. A sign which directs attention to a product, commodity or service not necessarily available on the premises.

Sec. 7.2.30 Glaring signs. Signs with light sources or with such reflective or brightness qualities that they constitute a hazard or nuisance.

Sec. 7.2.31. Handicapped parking space sign. Signs reserving parking spaces for handicapped motorists.

Sec. 7.2.32. Height (of a sign). The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever ground elevation is less. (This is not the same as clearance)

Sec. 7.2.33. Home occupation sign. A sign directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

Sec. 7.2.34. Illegal sign. A sign that was constructed, erected or placed in violation of regulations that existed at the time it was built.

Sec. 7.2.35. Illuminated sign. A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

- Sec. 7.2.36. Inflatable Signs. Any sign or advertising structure which uses air or gas to expand.
- Sec. 7.2.37. Incidental Sign. A sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, whose purpose is secondary to the use of the zoned lot. No sign with a commercial message legible from a position off the zoned lot on which the sign is located shall be considered incidental.
- Sec. 7.2.38. Location Sign; A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.
- Sec. 7.2.39. Maintenance. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.
- Sec. 7.2.40. Marquee. A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.
- Sec. 7.2.41. Marquee sign. A sign attached to and made a part of a marquee or any other similar projection from a building.
- Sec. 7.2.42. Monument sign. A freestanding sign with a base affixed to the ground which measures at least two-thirds the horizontal length of the sign.
- Sec. 7.2.43. Nonconforming sign. A sign that met all legal requirements when constructed but that is not in compliance with this ordinance. An illegal sign is not a nonconforming sign.
- Sec. 7.2.44. Off-premises sign. Any sign which is not located on the premises that it identifies or advertises.
- Sec. 7.2.45. Pennants. A lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.
- Sec. 7.2.46. Permanent sign. A sign which is permanently affixed into the ground or a building and meets the requirement of a structure under the Virginia Uniform Statewide Building Code.
- Sec. 7.2.47. Pinwheels. See Rotating signs.
- Sec. 7.2.48. Pole sign. A freestanding sign with a base at least seven feet above the ground which is supported from the ground by a pole or a similar support structure of narrow width.
- Sec. 7.2.49. Portable sign. Any signs that is not permanently affixed to a building, structure, or the ground. This shall not apply to signs permitted under 7.3.5 or 7.5
- Sec. 7.2.50. Projecting sign. A sign which is supported by an exterior wall of a building and which is displayed perpendicular to the face of the building.
- Sec. 7.2.51. Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupola, pylons, chimneys, or minor projections.

Sec. 7.2.52. Roof sign. Any signs which extend in height above the roof line of the building on which the sign is erected.

Sec. 7.2.53. Rotating sign. A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Sec. 7.2.54. Scrolling sign. "See animated sign".

Sec. 7.2.55. Security and warning signs. On-premises signs regulating the use of the premises, such as "no trespassing," "no hunting" and "no soliciting" .

Sec. 7.2.56. Sexually Graphic Sign. Any sign containing any photograph, silhouette, drawing, or pictorial representation or description of any specified anatomical area or specified sexual activities as those terms defined in the Code of the Town of Chincoteague.

Sec. 7.2.57. Sign. Any device which is visible from a public byway, and all supporting poles, brackets, braces, wires, foundations, etc., that displays letters, characters or graphics to identify a land use or is meant to attract the public's attention. Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts of combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is made. A display of less than one square foot in area is excluded from this definition.

Sec. 7.2.58. Sign structure. Includes the supports, uprights, bracing and framework of any structure, be it single- or double-faced or V-type or otherwise, exhibiting, illuminating, holding and/or supporting a sign.

Sec. 7.2.59. Sign, temporary. See "Temporary sign."

Sec. 7.2.60. Simulated traffic signs and obstructions. Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection, or extend into the public right-of-way.

Sec. 7.2.61. Snipe sign. A sign that is attached to a utility pole, tree, fence or any object located or situated on public or private property.

Sec. 7.2.62. Street frontage. The side of a lot nearest the street.. The frontage of a corner lot is the shorter of the two sides facing a street. Frontage may also be described as a distance, e.g. "The lot has 243 feet of frontage".

Sec. 7.2.63. Temporary sign. Temporary signs shall be permitted for the purpose of advertising any event held by any nonprofit or charitable organization.

Sec. 7.2.64. Temporary real estate signs. Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold.

Sec. 7.2.65. Vending machine identification signs. Signs or decals identifying a product which is used for public convenience.

Sec. 7.2.66. Vehicular signs. Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. For the purposes of this ordinance, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes. (Ord. of 4-3-1995)

Sec. 7.2.67. Wall sign. A sign painted on or attached to a wall of a building and parallel to the wall.

Sec. 7.2.68. Window sign. Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is inside a window or upon the window panes or glass and is visible from the exterior of the window.

Sec. 7.3. Signs as a matter of right.

The following signs shall be permitted as a matter of right, and no sign permit shall be required:

7.3.1. Address and name of resident. Such sign shall not exceed four square feet in area.

7.3.2. Artwork. Upon approval by the Chincoteague Planning Commission

7.3.3. Commercial directional signs. Such sign/signs shall not exceed two square feet (each) in area or be located closer than five feet to any property line.

7.3.4. Directional Signs; Shall not exceed four square feet in area.

7.3.5. First Amendment right signs. Such permitted signs shall not contain any message of a commercial nature and shall not direct attention to a business operated for profit or any entity operated on a nonprofit basis, or to the sale or gift of any commodity or service, nor shall such exhibitor charge a fee thereof. Such signs shall be permitted both in residential and commercial districts. No such sign, or combination of signs, in a residential district shall exceed 32 square feet in area or exceed five feet in height, and shall comply with all applicable setbacks in such residential district. Any such sign or signs within a commercial district shall comply with all the criteria of 7.12.1 as to size and location. Any such sign may be constructed of cardboard. Any such sign shall comply with all other applicable provisions of article VII, except as expressly excepted.

7.3.6. Flags, emblems, and insignia. Of any governmental agency or religious, charitable, public or nonprofit organization.

7.3.7. Handicapped parking space sign. Such signs shall meet the minimum standards set forth by ADA.

7.3.8. Home occupation signs. Such signs shall not exceed four square feet in area and shall contain only the name of the business and/or business owner.

7.3.9. Private drive signs. On-premises private drive signs limited to one per drive entrance, not exceeding two square feet in area.

7.3.10. Public signs. Signs erected by government agencies or utilities including traffic, utility, safety, directional and identification signs for public facilities.

7.3.11. Security and warning signs. Such signs shall not exceed two square feet in area. On unimproved lots, signs shall not be closer than 50 feet to each other and shall not be placed within ten feet of any property line. On improved lots, signs shall be placed five feet or less from the structure protected. Signs shall not exceed four feet in height.

7.3.12. Vending machine identification signs. All identification shall be placed within the square footage of the vending machine unit.

Sec. 7.4. Temporary signs.

7.4.1. *Permitted by right.* The following temporary signs shall be permitted as a matter of right and no sign permit is required unless specifically identified, subject to the conditions specified, and the other provisions of article VII, as applicable.

7.4.2 Temporary real estate sign. A real estate sign is permitted provided such sign shall not exceed four square feet in area, and 6 feet in height and shall be located no closer than 25 feet from the edge of the established roadway. If the main structure is located less than 25 feet from the edge of the established roadway the sign may be placed at the midpoint between the main structure and the edge of the established roadway. Display of such sign is limited to one per property. When a development contains four or more parcels/units, the developer may choose to install one sign, in lieu of individual signs, not to exceed 32 square feet in area, and shall place the sign parallel with the right-of-way. Such sign shall be removed within 30 days of the settlement or lease of the property. One directional sign may be erected if the said property is not easily visible from the adjoining state road.

7.4.3 Vacation rental signs. A vacation rental sign for rentals less than 12 months to one tenant are permitted; such sign shall not exceed four square feet in area and shall be located within two feet of the structure. Display of such sign is limited to one per property. Sign shall not exceed six feet in height.

7.4.4 *Banners.* On-premises banners shall not be more than 30 square feet in area. Total banners shall not exceed one per residence and one per business. Such placement shall not exceed 2 times per calendar year not to exceed 4 consecutive weeks for each placement. Non-profit organizations are exempt from the above time limit provided the banner is removed within 7 days after the event has ended. Placement of such banners must comply with article VII of this ordinance. Banners shall not be placed closer than ten feet from any property line. A permit is required.

7.4.5 Political Signs As to any political sign or signs advocating the election or non-election of a particular candidate for public office, or the approval or rejection of any issue on the ballot in any scheduled election, such sign or signs shall be erected no sooner than 60 days prior to the scheduled election and removed not later than five days thereafter. Maximum of one (1) sign per candidate or issue per parcel. Owner of said parcel must give consent on the placement of such signs. Such signs shall not exceed 32 square feet in area and be located no closer than ten feet from any property line.

7.4.6 *Nonprofit or charitable organizations event signs.* Any sign or signs for the purpose of advertising any event held by a nonprofit or charitable organization. Such signs or combination thereof shall not exceed 32 square feet in size and shall be permitted to be displayed only on private property for a period not to exceed seven consecutive days. Such signs, if located, at any intersection shall be set back a minimum of ten feet from the edge of the street for safety purposes. No sign shall be erected that will obstruct the sight distance triangle at any street intersection. A permit is required.

7.4.7 *Construction, contractor and job site signs.* One contractor sign, not exceeding 32 square feet in area, and subcontractors' signs not exceeding eight square feet in area each, When erected or displayed on the premises upon which building operations are being conducted; provided, that such signs shall be removed upon completion of the work. No sign shall be erected that will obstruct the sight distance triangle at any street intersection.

7.4.8 *Special event signs.* Signs announcing special events including but not limited to open houses, auctions, grand openings, new management and going out of business.

Each lot shall be limited to one of each of the following types of signs unless otherwise noted and does not count in the total allowed per lot or business.

A sign advertising auctions and grand openings may be erected seven days prior to the event and shall contain the date(s) if the event. Such sign shall not exceed 16 square feet in area. No permit is required.

A signs advertising going out of business, or new management shall be limited to once in a 12-month period for up to seven days. Such sign shall not exceed 16 square feet in area. No permit is required.

A sign for open houses may be erected up to six days prior to the open house if the sign contains the day of the week or the date of the open house or may be erected the day of the open house if it does not contain the day of the week or the date of such open house. Such sign shall not exceed 4 square feet in area. No permit is required.

All special event signs must be removed immediately following the event, shall be setback a minimum of twenty-five feet from the edge of the public right-of-way. No sign shall be erected that will obstruct the sight distance triangle of any street intersection.

7.4.9 *Pony Penning Sales Signs.* No more than four square feet (two feet by two feet) Shall be permitted to be displayed no more than three days prior to the sale, to be located only on private property, and shall not be placed on the public right-of way, without requiring any permits. Signs displayed under this section must be removed within 48 hours of the close of the sale activities.

Sec. 7.5. Construction and maintenance.

7.5.1. *Building code compliance.* All signs shall be constructed in compliance with the current Virginia Uniform Statewide Building Code.

7.5.2. *General restrictions.* Signs shall not be erected in or over a street or highway right-of-way, or on public land except as permitted in section 7.10 .

7.5.3. *Condition of sign.* All signs and components shall be maintained in good repair and in a safe, clean and attractive condition. Any sign found to be in disrepair, upon written notice, must be immediately removed by such owner. Failure to remove such sign shall result in legal action and, if applicable, the sign permit may be revoked.

Sec. 7.6. Prohibited signs.

The following are expressly prohibited unless specifically stated otherwise in this ordinance;

7.6.1 Animated signs.

7.6.2. Flashing signs.

7.6.3. Glaring signs.

7.6.4. Portable signs.

7.6.5. Roof signs.

7.6.6 Simulated traffic signs and obstructions.

7.6.7 Vehicular signs.

7.6.8 Menu & sandwich boards, easels and other sidewalk signs

7.6.9 Air or gas filled balloons & inflatable objects used for the purpose to draw attention to a particular business.

7.6.10 Beacons

7.6.11 Rotating signs

7.6.12 Pinwheels for commercial use

7.6.13 Sexually graphic sign

7.6.14 Sculptures or statues, with or without a commercial message used for the purpose to draw attention to a particular business exceeding 4 feet in height, 3 feet in width and/or 3 feet in length.

7.6.15 Name brand advertising signs such as those naming the brand of cigarettes and beverages for sale in the business. This shall not include vending machines.

7.6.16 Changeable letter signs either freestanding or stand alone. (This shall not include changeable letter signs incorporated in an approved freestanding sign as identified in section 7.13.1.(6).)

Sec. 7.7. Nonconforming signs.

Any sign which does not conform to the provisions herein as of January 4, 1994 or any date on which the ordinance is amended, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign.

7.7.1 A nonconforming sign lawfully existing at the time of adoption or subsequent amendment may continue although such a sign does not conform to the provisions of this ordinance, however, it cannot be enlarged, redesigned or altered in any way excluding general maintenance, except to conform to the requirements of this chapter.

7.7.2 A change in business ownership, change in the certificate of occupancy, or change in the business license requires that a non-conforming sign be removed or brought into compliance within sixty (60) days of a change either in ownership, occupancy or business license. Whenever the ownership, occupancy, or business license changes the new owner, occupant, or licensee shall be required to remove, change or alter such signs to conform to this chapter.

7.7.3 Any business advertising products or services which are no longer available shall remove such signs within 60 days.

7.7.4 If the business continues to operate as the same business but changes leaseholder, then only one nonconforming sign which identifies the business name may remain but all other nonconforming signs must be removed. Any new signs must conform to this chapter.

7.7.5 If a business remains with the owner but ceases to operate for two years then all conforming and nonconforming signs shall be removed.

Sec. 7.8. Protection of First Amendment rights.

Any sign, display, or device allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this ordinance.

Sec. 7.9. Removal.

7.9.1. *Illegal signs.* The zoning administrator may order the removal of any sign not in conformance with the provisions of this ordinance at the expense of the sign owner or lessor, after giving the owner or lessor written notice of such violation and giving notice to correct such violation within ten days from date of receipt of said notice by registered or certified mail at the last known address.

7.9.2. *Immediate peril.* If the zoning administrator shall find any sign which is an immediate peril to persons or property, the sign shall be removed. If the zoning administrator cannot locate the sign owner or lessor for immediate removal of the sign, he shall be empowered to order the removal of the sign at the expense of the sign owner or lessor.

Sec. 7.10. Variances. =

7.10.1. *Standard of review.* The board of zoning appeals may grant a variance authorized by this section only when and if it finds that the following special physical conditions exist:

- (1) The zoning lot on which the activity is located is unusually shaped or exhibits unusual topography; and
- (2) Such physical characteristics prevent legal signage from identifying the activity as compared to legal signage identifying other activities in the immediate area.

7.10.2. *Procedures.* All requests for variances must be filed with the board of zoning appeals within 30 days of the date of denial of the permit application by the zoning administrator.

SECTION B. STANDARDS AND CRITERIA

Sec. 7.11. Generally.

The regulations in this section specify the number, types, sizes, heights and locations of signs which are permitted within the jurisdictional boundaries of the Town of Chincoteague and which require a permit. Any sign regulations incorporated into a development plan approved by council may supersede all or part of this section.

Unless otherwise provided in this chapter, all signs shall be set back a minimum of ten feet from the right-of-way, unless attached to a building without any ground supports, in which case it shall conform with the required size restrictions and not protrude into any right-of-way unless a land use permit is obtained from the Town of Chincoteague..

All permitted signs in this chapter shall only advertise those uses being conducted on the premises on which they are displayed.

7.11.1. *Determination of sign area.* In measuring the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that can encompass the letters or sign face.

7.11.2. *Determination of sign height.* The height of a sign erected within 30 feet of a street shall not exceed 12' in height. The height of all signs farther than 30 feet from a street shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater. No sign shall be erected that will obstruct the sight distance triangle at any street intersection.

7.11.3. *Installation of wall signs.* All wall signs shall be installed flat against the wall of a building and shall not extend from the wall more than 18 inches.

7.11.4. *Other uses.* In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the zoning administrator shall make a written interpretation of the ordinance, which shall be kept in the permanent record for that application. (Ord. of 4-4-1994)

Sec. 7.12. Residential districts.

Within residential districts, permits are required for all allowed signs. All signs must conform to the following criteria:

7.12.1. *Single-family subdivision identification signs.* Signs that identify the name of a single-family residential subdivision, located at any street entrance to the subdivision, shall be erected as follows:

- (1) *Number:* one per main entrance, not to exceed two per subdivision.
- (2) *Type:* monument.
- (3) *Maximum size and height:* 32 square feet in area and five feet in height.
- (4) *Minimum setback:* ten feet from any property line and outside of all visibility triangles.

7.12.2. *Multifamily complex signs.* Signs that identify the name and/or address of an apartment, townhouse, condominium or other multifamily residential complex, located at any street or private drive entrance to the complex, shall be erected as follows:

- (1) *Number:* one per main entrance, not to exceed two per complex.
- (2) *Type:* monument.
- (3) *Maximum sizes and heights:* 32 square feet in area and five feet in height.
- (4) *Minimum setback:* ten feet from any property line and outside of all sight visibility triangles.

7.12.3. *Accessory management or rental office signs.* Signs that identify an accessory management or rental office shall be erected as follows:

- (1) *Number:* one.
- (2) *Type:* wall.
- (3) *Maximum size and height:* six square feet in area and located below the roof line.

Sec. 7.13. Commercial districts.

Within commercial districts all allowed signs require a permit. All signs must conform to the following criteria:

7.13.1. Signs permitted within a commercial district shall be erected or displayed only on such wall, window, or mansard roof of a building which faces the front property line or as a freestanding signs upon a lot. The number of signs shall be limited to two (2) per business not including incidental, directory or directional signs (see 7.13.1 (3) unless otherwise noted. Total square footage area of all permitted signs upon any one lot shall not exceed 100 square feet in area unless noted otherwise. Two additional signs shall be permitted, maximum of twenty five (25) square feet each if the building fronts upon more than one public right-of-way or waterfront and such sign (s) shall be placed facing such public right-of-way or waterfront. Sign bases without commercial messages are not included in the sign area. Sign bases are included in the overall height.

(1) Buildings occupied by a single business. The total combined area of all signs facing the front lot line shall not exceed one square foot for each foot of building width or one hundred square feet, whichever is less, however no one sign can exceed 64 square feet in area, not including the sign base, and shall not exceed 12 feet in height.

(2) Buildings occupied by more than one business: The total combined area of all Signs facing the front lot line shall not exceed one square foot for each foot of building width facing such lot line, or one hundred square feet whichever is less, however, no sign can exceed 64 square feet in area and shall not exceed 12 feet in height. In addition to the maximum allowed combined total area permitted above in 7.13.1 (2) each business in a multi-business building shall be permitted one additional wall sign or projecting sign, not to exceed 20 square feet for business identification.

(3) Multiple incidental and directory signs on the interior of a lot shall be allowed and do not require a permit. Each sign shall not exceed four (4) feet in height and 12 twelve square feet in area and shall not be visible from a public right-of-way or street. The square footage of these signs is not counted as part of the total area permitted. Such signs must relate to the business being conducted on the lot and such signs shall not be advertising for business located off premise.

(4) Signs hung on marquees. No sign shall be hung on a marquee, canopy or portico if such sign shall extend beyond the established street line. The area of any such sign shall be included in determining the total area of signs erected or displayed.

(5) Signs, advertising occupants, etc. Signs advertising only the name of the occupant of a store, office or building, the business or occupation conducted or the products sold therein may be placed on show windows; provided, that not more than 30 percent of the area of such windows shall be covered.

(6) Mansard roof signs: Shall not exceed 32 square feet in sign area and shall only contain the name of a business. The total area shall be included in the total area of signage permitted in this section and shall not be in addition thereto.

(7) Freestanding signs. Shall be limited to one per lot, maximum area of 64 square feet In area and not exceeding 12 feet in height. Each building must incorporate its legally assigned street number into its freestanding sign. Freestanding signs shall not be placed within ten feet of any street right-of-way.

(8) Window sign: A window sign shall be considered as a wall sign, shall not exceed more than 25% of the window area in which they are displayed and shall not be placed higher than ten (10) feet above the entrance of the door sill plate. Such signs shall be limited to a maximum combined area of 64 square feet total and shall not exceed ten (10) feet in height.

(9) Flags, Commercial: Two flags per lot maximum each limited to an area of 15 square feet. Flags must be mounted securely to a wall or from a permanent flag pole.

7.13.2. *Gasoline stations.* Automobile service, convenience stores and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for

shopping centers if applicable. The following additional regulations shall apply to all automobile and service and gasoline stations:

- (1) *Changeable fuel price signs.* Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall be included in the sign area for the business.
- (2) *Gas pump signs.* Each gas pump shall be permitted a total of 11/2 square feet of sign area to identify the product dispensed. (Gas pump signs shall not apply to total square footage of sign area permitted.)

7.13.3. *Office and/or industrial centers.* Office and/or industrial centers at least one acre in size and planned as an integrated development shall be authorized to erect signs based on the following criteria:

- (1) *Center identification signs.* One monument sign per public street frontage, identifying the name of the center only and not exceeding 32 square feet in area and six feet in height.
- (2) *Individual establishment signs.* Each individual establishment within an office and/or industrial building may erect one wall sign of a size which does not exceed a maximum of 16 square feet in area. The top of the wall sign shall be located below the roof line and at a height no greater than 15 feet above the ground.

7.13.4. *Directory signs.* Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed 16 square feet in area and six feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.

7.13.5. *Theaters.* Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy board displaying the name and time of the current motion picture or theatrical production.
(Ord. of 4-4-1994)

The Commission will continue their review of the sign ordinance in January.

Ray Rosenberger, Chairman

MEMORANDUM

To: Mayor & Town Council

From: Kenny L. Lewis, Zoning Administrator

Date: November 29, 2006

Subject: Proposed Zoning Amendment

The Planning Commission reviewed your request to look at the building of boathouses and open sided structures on waterfront properties. Upon conducting a public hearing on the matter, the Commission has recommended the following additions to section 2.96 of the zoning ordinance:

Section 2.96 be amended by adding the following paragraphs to the definition of **Main Use**:

A dock, including a boat lift(s), used in conjunction with the main use of a lot or structure, which is in compliance with all applicable County, State, and Federal regulatory and statutory provisions and permitted by all required agencies, is a secondary, incidental or accessory use or structure.

Only open-sided shelter roof structures designed to shelter single boat slips and boat lifts, and gazebo-type structures are permitted by right. Such structures shall not exceed a combined total of 400 square feet and can be constructed and/or maintained on any dock, pier, or dock or pier platform in all zoning districts. Such structures shall not exceed 12 feet in height and have a roof pitch not to exceed 2:12.

A structure erected on a lot, the specific location of which is not subject to the jurisdiction of the Accomack County Wetlands Board, the Virginia Marine Resource Commission, and/or the United States Army Corps of Engineers, and used in conjunction with the main use of a lot or permitted building is a secondary, incidental or accessory use or structure.

MEMORANDUM

TO: Mayor & Council

FROM: Robert G. Ritter, Jr., Town Manager

DATE: November 29, 2006

SUBJECT: Information Technology Specialist

Attached is a position description for a new position in General Government for an Information Technology Specialist. Currently, the Town hires a contractor to support our computer hardware, server and website maintenance. There is an increasing amount of work to be performed by this contractor to maintain the servers for the Police Department, Town Office and the website. Assistance is also needed to maintain our GIS system. In addition, the Town will be upgrading our software shortly and we will need to assign administrator duties to someone with an already full workload. These duties could be assigned to the Information Technology Specialist.

With the Council's approval this position would be funded from the General Government current salary level and \$10,000 from Police Department salaries. The wage classification for this position would be Grade 15-16 with a starting salary of \$26,811.20.

If it is the Council's desire a motion could be made "to recommend approving the Information Technology Specialist position."

TECHNOLOGY SPECIALIST

Exempt (Grade 15)

GENERAL DEFINITION AND CONDITIONS OF WORK:

Incumbent performs technical support duties in the operation of the Town's computer systems/services including the Local Area Network (LAN) and Intranet. Troubleshoots and diagnoses system failures to isolate the source of the problem between equipment, system software and applications. Installs and tests equipment and their associated peripheral devices. Performs installation diagnostics, provides technical advice, and provides support for standard software programs. Installs and tests package software and utilities. Serves as the Network Administrator and manages the LAN system. Determines placement of, configures network cabling, troubleshoots and maintains servers, hubs, routers, and switches. Serves as Webmaster by developing and maintaining the Town's website. No major technical changes, instrument purchases, or upgrades should be conducted before consulting with the Technology Specialist. Work is performed under the general supervision of the Town Manager.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

- Security – plan, develop, implement, and maintain programs, policies, and procedures to protect the integrity and confidentiality of systems, networks, and data.
- Backup - Maintain backup system for all data on the Town's computer systems.
- Systems Analysis – consult with staff to refine functional requirements and translate functional requirements into technical specifications.
- Applications Software – translate technical specifications into programming specifications; develop, customize, or acquire applications software programs; and test, debug, and maintain software programs.
- Operating Systems – install, configure, and maintain the operating systems environment including system servers and operating system software on which application programs run.
- Network Services – test, install, configure, and maintain networks including hardware (servers, hubs, bridges, switches, and routers) and software that permit the sharing and transmission of information.
- Internet – provide services that permit the publication and transmission of information about agency programs to internal and external audiences using the Internet.
- Systems Administration – install, configure, troubleshoot, and maintain hardware and software to ensure the availability and functionality of systems.
- Server Administration - Maintain all servers, including the Town Office Server, Police Department Server, Web Server/Mail Server, and Audio Server.
- User Support – provide technical support to staff that need advice, assistance, and training in applying hardware and software systems.
- Procurement – provide technical advice for all computer related purchases.
- Webmaster – Develop and maintain Town's web site including frequent postings of calendars, agenda packets, minutes, and audio for all council and committee meetings. Maintains forum and posts news and public announcements.
- Assist the Town Manager on special projects and as otherwise required.
- May attend meetings and help prepare agenda packets for Town meetings as required.
- GIS updates on the system.
- Performs related task as required.

KNOWLEDGE SKILLS AND ABILITIES:

Thorough knowledge of network standards, protocols, and procedures; the ability to develop, configure, install, and maintain networked systems including Local Area Networks (LANs) and Wide Area Networks (WANs); ability to install, configure, and maintain operating systems components and install updates and temporary fixes to existing programs. Extensive knowledge of Microsoft Windows XP & Windows 2000 Operating Systems, Microsoft Windows Server 2003/2000, and Microsoft Windows Server 2003 Web

Edition. Proficient in the use of all Microsoft Office products, including Microsoft FrontPage web-design software, HTML and DHTML code. Knowledge of Microsoft DNS, DHCP, Routing & Remote Access, Active Directory, IIS, & FTP services. The ability to create easily navigable Web pages, and the ability to evaluate code and repair errors. The ability to establish and maintain effective backup and recovery procedures. Skilled in the use of audio visual equipment. Extensive knowledge of the following protocols: Transport Control Protocol, Internet Protocol, User Datagram Protocol, Hyper Text Transfer Protocol, File Transfer Protocol, Domain Name System, Simple Mail Transfer Protocol, Post Office Protocol, Lightweight Directory Access Protocol, Virtual Private Network, Point-to-Point Tunneling Protocol, Layer 2 Tunneling Protocol, Point-to-Point Protocol over Ethernet, Real Time Streaming Protocol, Microsoft Media Server Protocol.

EDUCATION AND EXPERIENCE:

Must have high school diploma, CompTia A+, and CompTia Network+ Certifications. Microsoft certified a plus. At least two years of experience in related field.

MEMORANDUM

To: Mayor & Council

From: Mike Cosby, Public Works Director

Date: November 8, 2006

Subject: Proposal for new part-time Waterworks position

Attached is the job description for a proposed part-time position in our Water department. This position would be beneficial as it would:

- 1 – Provide a technical resource that would enable us to generally improve practices and policies. Recently we have been working on large, time consuming projects that have left little time to focus on operational improvements.
- 2 – Allow us to address important training needs on an in-house basis. Currently we only have one staff member who holds a waterworks license.
- 3 – Help reduce our reliance on outside contractors for the development and monitoring of projects.
- 4 – Alleviate some of the administrative burden from the Public Works Director.

The proposed salary for this position is \$12,480 per year. The Water department has been without a budgeted Waterworks Technician since the beginning of this fiscal year (24 weeks), so \$12,825 including benefits in the budget has not been spent. The projected total wages for the remainder of this fiscal year if the new position is filled on 12/11/06 (28 weeks) are \$6,720. There are larger questions with the Water budget that should also be discussed (large unplanned projects and uncertain collection of availability fees) but having a qualified person in this position is well worth the \$12,480 annual cost.

WATERWORKS DEVELOPMENT SPECIALIST

GENERAL DEFINITION OF WORK:

Performs complex professional and administrative work maintaining the quality of operations of the Town Waterworks: does related work as required. Part-time work which is performed under the general supervision of the Director of Public Works.

This is sedentary work requiring the exertion of up to 10 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects; work requires climbing, crouching, reaching, standing, walking, fingering, grasping, and repetitive motions: vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, assembly or fabrication of parts at or within arms length, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities: the worker is subject to inside and outside environmental conditions, extreme cold, noise, hazards and atmospheric conditions.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Planning, monitoring and development of waterworks operations and projects; providing technical training and guidance to Town staff; maintaining records and files; preparing reports.

Monitors and helps maintain quality and efficiency of waterworks operations;

Develops and executes training and development activities for Town staff;

Assists in the design of projects, including bid specifications and bid packages;

Participates in the selection of private contractors for services;

Makes field inspections of projects to ensure quality control;

Prepares a variety of correspondence concerning waterworks operations;

Assists and advises Town staff in the preparation of required reports and permits;

Participates in the review and establishment of operating policies and procedures;

Assists in the development of department budget and capital improvement planning;

Performs related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

Comprehensive knowledge of the methods and techniques used in the operation, maintenance, rehabilitation and construction of waterworks facilities; thorough understanding of technical and environmental issues involved in the planning, design and operation of a public water supply system; ability to design and implement departmental training program; ability to review and analyze plans and specifications for the construction of waterworks facilities; ability to develop comprehensive operational policies and procedures; ability to prepare technical reports.

EDUCATION AND EXPERIENCE:

Any combination of education and experience equivalent to graduation from an accredited college or university with major course work in civil engineering or related field and extensive experience in a responsible position in the waterworks field.

SPECIAL REQUIREMENTS:

Possession of an appropriate driver's license valid in the Commonwealth of Virginia. Possession of a Class II Waterworks Operator license issued by the Commonwealth of Virginia.

MEMORANDUM

To: Mayor & Town Council

From: Mike Cosby, Public Works Director

Date: November 30, 2006

Subject: Engineering costs, ground storage tank roof and rafters

During the recently completed cleaning and painting project for our water storage facilities the contractors discovered that the roof and rafters at the ground storage tank were structurally damaged. Attached are two proposals from Whitman, Requardt & Associates for engineering services related to the design and repair of the tank.

If we decide to replace the old roof as it is currently constructed, the engineering services would include specifications for demolition of the structural items, examination of the remaining columns and girders, and detailed plans for the connections between the existing supports and those that require replacement. They will also provide structural notes and load evaluations for the eventual contractor to ensure that the design of the project is in accordance with national D100 specifications as well as state requirements. An alternative to these services is to bid the repair work as a design/build project. I would prefer to have Whitman, Requardt provide the design services due to their demonstrated reliability as opposed to the uncertainty involved with having the low bidder furnish design and construction services.

The first proposal also includes an evaluation of an aluminum dome type roof that would decrease the need for rafters and provide a longer service life as well as reduced maintenance costs. The engineering services for this option would include research on the performance of these installations in similar areas, and design and specifications for the different connection between the roof and walls.

If we eliminate the aluminum roof evaluation, the engineering costs would be reduced by \$6,380. The aluminum roof would reduce costs in the long run, but the current roof lasted about thirty years so I would assume that we could expect a similar life span for a replacement steel roof. When Whitman, Requardt's structural engineers originally reviewed the damage they provided a rough estimate of \$125,000 to replace the roof and rafters without painting. Subsequently J&W of North Carolina provided a proposal of \$292,000 for the same work. If the actual cost turns out to be closer to the second estimate, an aluminum roof may be more desirable. The purpose of including this in the engineering proposal was to consider this possibility.

At this point we need to decide how to proceed, as this project should be completed so we can complete the work before next summer. Right now we have \$118,639 in the water

reserve, but some of this is obligated for final payments on the water line replacement projects. I am in the process of finding out the exact amounts that we still owe, which is at least \$30,000. Water revenues for the first five months of the fiscal year have increased approximately \$40,000 over the first five months of last year but this increase was budgeted so it does not represent an additional revenue source. No availability fees have been collected so far and we have \$190,000 for the year in the budget for that. The budget for the recently completed water tank maintenance is \$270,000, but we will have roughly \$30,000 left as some of the work was not completed due to the structural problems. Some of the deleted work (like painting) must be completed once the roof is replaced so most of the \$30,000 will be needed.

Partners:

Joseph S. Makar
John S. Maynes
David B. McCormick
Dennis J. Hasson

Senior Associates:

James O. Armacost, III
Louis W. Klinefelter
Thomas J. Hannan, Jr.
John P. Maddox
William P. Wagner
Walter P. Miller
Daniel J. Seli
Anthony U. Olsen
Robert J. Krallinger

WHITMAN, REQUARDT AND ASSOCIATES, LLP

Engineers, Architects and Planners

11870 Merchants Walk, Suite 100
Newport News, Virginia 23606

(757) 599-5101

Fax: (757) 599-5320

www.wrallp.com

Associates:

Richard J. Kane
Earl L. Swartzendruber, Jr.
Herbert W. Lew
Luther E. Bathurst
John D. Emerson
Gary B. Bush
William W. Fitchett, Jr.
Gregory D. Mucci
William A. Geschrei
Douglas A. Kelso
Amitava Podder
Neil M. Leary
Gregory King
Jeffrey F. Giza
Jeffrey R. Riegner
Charles E. Henck
Karen L. Moran
Jason D. Cosler
J. Andrew Landrum
Robert D. Britt

November 14, 2006

Mr. Mike Cosby
Town of Chincoteague, Inc.
6150 Community Drive
Chincoteague Island, VA 23336

Re: Engineering Services Proposal
Roof Replacement for 1.0 MG Water
Storage Tank

Dear Mr. Cosby:

Attached please find our proposal for providing professional engineering services and tank inspection services for replacing the roof for the 1.0 MG steel water storage tank.

SCOPE OF WORK

The level of effort anticipated to complete the work is shown in the attached proposal. Services include preparation of a demolition plan, roof plan, structural notes and details, and an evaluation and recommendations for providing an aluminum dome roof as an alternative to the painted steel roof. The scope of work also includes providing assistance during the bid phase and services during construction including onsite inspection to verify that the work is completed in accordance with the contract documents.

SCHEDULE

We are prepared to commence work immediately, and provide bid ready plans and specifications in 6 weeks. We will work with you to expedite the bid process so that the roof replacement may be completed prior to mid-May 2007.

COMPENSATION

Direct technical salaries will be multiplied by the payroll factor of 2.55, which includes payroll burden, overhead costs for partners, accountants, secretarial staff, and other non-technical support personnel engaged on this project. Out-of-pocket expenses include subconsultant fees, travel to and from the project, subsistence costs associated with travel, reproduction, plus the actual costs for any other expenses used exclusively on this project. Invoiced amounts will not exceed the estimated amounts shown below without the prior written approval of the Town. Per the attached, the cost of the work will not exceed \$31,880.00 without the prior written consent of the Town.

We appreciate this opportunity to assist the Town of Chincoteague. Please call if there are any questions.

Very truly yours,

WHITMAN, REQUARDT AND ASSOCIATES, LLP



J. Andrew Landrum, P.E.
Associate

CONTRACT ACCEPTANCE

The return of one signed copy of this contract will serve as your acceptance of the scope and contract terms.

ACCEPTED BY:

Authorized Signature
Town of Chincoteague

Date

Enclosures

cc: Jim Armacost, P.E.

CHINCOTEAGUE GROUND WATER STORAGE TANK ROOF REPLACEMENT

ENGINEERING COST PROPOSAL

1	Design		
	G1 – Title Sheet, Location Plan, List of Drawings	8	12
	D1 – Demolition Plan and Notes	8	12
	D2 – Demolition Sections and Details	4	12
	S1 – Structural Notes and Loads	8	8
	S2 – Roof Plans and Notes	8	12
	S3 – Sections and Details	4	12
	S4 – Alternate Roof Plan and Sections	24	16
	Subtotal	64	84
	Specifications	64	-
	Estimate	12	-
	Concept Report	8	-
	Site Visits	24	-
	TOTAL	172	84
2	Bid Phase		
	Soliciting bidders	4	-
	Responding to questions/ issue addenda as required	8	-
	Bid evaluation/recommendation of award	4	-
	TOTAL	16	-
3	Construction		
	Shop Drawings	16	-
	RFIs	20	-
	Site Visits	24	-
	TOTAL	60	-
4.	On Site Inspection		
	On-site Inspection (Lothar Hapke)	10	-

Estimated Costs

Engineering	80.000/hr. x (172 + 60 + 16) hours	\$19,840.00
CADD	60.00/hr. x 84 hours	\$5,040.00
On-site Inspection	\$550.00/day x 10 days	\$5,500.00
Expenses	Reproduction (20 sets of plans and spec's for bidding)	\$ 500.00
	Travel	\$1,000.00
	TOTAL	\$31,880.00

Partners:

Joseph S. Makar
John S. Maynes
David B. McCormick
Dennis J. Hasson

Senior Associates:

James O. Armacost, III
Louis W. Klinefelter
Thomas J. Hannan, Jr.
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Gregory D. Mucci
William A. Geschrei
Douglas A. Kelso
Amitava Podder
Neil M. Leary
Gregory King
Jeffrey F. Giza
Jeffrey R. Riegner
Charles E. Henck
Karen L. Moran
Jason D. Cosler
J. Andrew Landrum
Robert D. Britt

November 20, 2006

Mr. Mike Cosby
Town of Chincoteague, Inc.
6150 Community Drive
Chincoteague Island, VA 23336

Re: Revised Engineering Services Proposal
Roof Replacement for 1.0 MG Water
Storage Tank

Dear Mr. Cosby:

Attached please find our revised proposal for providing professional engineering services and tank inspection services for replacing the roof for the 1.0 MG steel water storage tank. This revised proposal excludes consideration of the aluminum dome roof alternative, and assumes we will purchase and make use of the original tank plans from Fisher Tank.

SCOPE OF WORK

The level of effort anticipated to complete the work is shown in the attached proposal. Services include preparation of a demolition plan, roof plan, and structural notes and details. The scope of work includes providing assistance during the bid phase and services during construction including onsite inspection to verify that the work is completed in accordance with the contract documents.

SCHEDULE

We are prepared to commence work immediately, and provide bid ready plans and specifications in 4 weeks. We will work with you to expedite the bid process so that the roof replacement may be completed prior to mid-May 2007.

COMPENSATION

Direct technical salaries will be multiplied by the payroll factor of 2.55, which includes payroll burden, overhead costs for partners, accountants, secretarial staff, and other non-technical support personnel engaged on this project. Out-of-pocket expenses include subconsultant fees, travel to and from the project, subsistence costs associated with travel, reproduction, plus the actual costs for any other expenses used exclusively on this project. Invoiced amounts will not exceed the estimated amounts shown below without the prior

written approval of the Town. Per the attached, the cost of the work will not exceed \$25,500.00 without the prior written consent of the Town.

We appreciate this opportunity to assist the Town of Chincoteague. Please call if there are any questions.

Very truly yours,

WHITMAN, REQUARDT AND ASSOCIATES, LLP



J. Andrew Landrum, P.E.
Associate

CONTRACT ACCEPTANCE

The return of one signed copy of this contract will serve as your acceptance of the scope and contract terms.

ACCEPTED BY:

Authorized Signature
Town of Chincoteague

Date

Enclosures

cc: Jim Armacost, P.E.

CHINCOTEAGUE GROUND WATER STORAGE TANK ROOF REPLACEMENT

ENGINEERING COST PROPOSAL

1	Design		
	G1 – Title Sheet, Location Plan, List of Drawings	8	12
	D1 – Demolition Plan and Notes	8	12
	S1 – Structural Notes and Loads	8	8
	S2 – Roof Plans and Notes	8	12
	Subtotal	32	44
	Specifications	48	-
	Estimate	12	-
	Site Visits	24	-
	TOTAL	116	44
2	Bid Phase		
	Soliciting bidders	4	-
	Responding to questions/ issue addenda as required	8	-
	Bid evaluation/recommendation of award	4	-
	TOTAL	16	-
3	Construction		
	Shop Drawings	16	-
	RFIs	20	-
	Site Visits	24	-
	TOTAL	60	-
4.	On Site Inspection		
	On-site Inspection (Lothar Hapke)	10 days	-

Estimated Costs

Engineering	80.000/hr. x (116 + 60 + 16) hours	\$15,360.00
CADD	60.00/hr. x 44 hours	\$2,640.00
On-site Inspection	\$550.00/day x 10 days	\$5,500.00
Expenses	Reproduction (20 sets of plans and spec's for bidding)	\$ 500.00
	Travel	\$1,000.00
	Plans for exist. roof from Fisher Tank	\$500.00
	TOTAL	\$25,500.00

MEMORANDUM

TO: Mayor & Council

FROM: Robert G. Ritter, Jr., Town Manager

DATE: November 30, 2006

SUBJECT: Contract for Waste Water Study

The Public Works Committee, Public Works Director and Town Manager have been going through the process of seeking a request for qualification for engineering services from qualified engineers for a waste water study. After the process of short listing about 15 firms down to 4 firms, we conducted interviews which narrowed it down to one firm to begin negotiations.

1. Waste Water Management, Inc.
2. Hazen Sawyer Environmental Engineers
3. Whitman Requardt and Associates, LLP
4. George, Miles & Buhr, LLC

We have recently received a proposal from Waste Water Management, Inc. in the amount of \$60,000 for the services for the initial phase I (see attached). The Council approved \$ 60,000 in the current “FY 07” budget.

If it is the Council’s desire a motion could be made “to recommend approving Waste Water Management, Inc., for Phase I of the Waste Water study in an amount of \$ 60,000”.



November 30, 2006

Mr. Robert Ritter, Town Manager
Mr. Michael Cosby, Director of Public Works
Town of Chincoteague
6150 Community Drive
Chincoteague, Virginia 23336

**Re: Chincoteague Island Sewer Project - Phase I
Scope of Services and Fee Proposal**

Dear Mr. Ritter and Mr. Cosby:

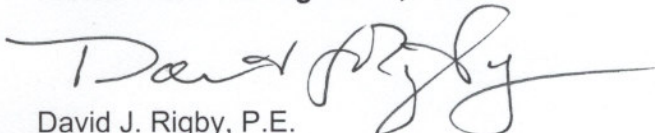
In accordance with our discussion yesterday we are hereby providing a revised fee proposal. As you requested the proposal now separates the work necessary to gain public approval for the project from the remaining work for the Town to be in a position to begin the permit process and apply grant funding.

Please review this revised proposal, discuss it and edit it freely to add or delete any specific items and please do not hesitate to give me a call to discuss it if you have any questions. If I don't hear from you I will assume it has been edited to comply with your immediate needs.

I look forward to meeting you at the Planning Commission meeting on Tuesday.

Very truly yours,

Waste Water Management, Inc.


David J. Rigby, P.E.
President

Scope of Services and Fee Proposal Chincoteague Island Sewage Project - Phase I

This **Revised Proposal** is hereby made this 30th day of November, 2006 by **Waste Water Management, Inc.**, a Virginia registered professional engineering corporation and certified water and wastewater system operator, hereinafter referred to as **Engineer** to the **Town of Chincoteague**, hereinafter referred to as **Owner**.

Whereas, Owner desires to contract for the professional engineering and technical services related to the Chincoteague Island Sewage Project - Phase I Scope of Services to lead to the development of a public sewer system on the Island of Chincoteague, Virginia, and,

Whereas, the Engineer is certified, qualified and experienced in the professional engineering services necessary for the Phase I project assessment with over thirty five years of experience in the planning, grant application, design, management and operations of municipal sewer utility systems within Virginia and desires to assist Owner with its needs, this Proposal is hereby made.

A. Basic Services of the Engineer

This Proposal has been made with the understanding that the Owner desires a full package of comprehensive engineering services to assist it in the various aspects of the project including but not limited to public outreach, preliminary engineering, identification of grants and assistance with grant applications, permitting requirements, construction and operation budgeting, user fee development and land use planning, etc. Accordingly the Engineer has divided the Scope of Services into broad categories of services as described below.

1. Public Outreach

Perhaps the most critical part of the project will be properly preparing for and framing the ongoing discussions with the public to convey the important message that "what the Island has now is not what the Island should have in the future". Once this critical step has been taken the remaining steps will be downhill from there. We anticipate the following actions under this category of services.

- Framing the discussions to discuss the real problems.
- Discussions of existing conditions such as septic tank leakage, seepage of nutrients and bacteria into the waters around the Island, cesspools discharging directly into the creeks and guts.
- Impacts on the watermen, citizens, shellfish and tourism.
- Preparing public presentation media.
- Public outreach through mailings, public advertisements, door to door discussions, public meetings and hearings.
- Provide choices for consideration.
- Define the "who, what, where, why and how".
- Clearly send the message "why we want to do this".

2. Data Gathering

During the data gathering step a wide range of services will be provided in order to fully develop an “existing conditions” map and report of the existing environmental quality on and adjacent to the Island. This step will involve gathering data and information from the Town, from various regulatory agencies, from historical maps and records and by taking up to date samples of the existing environmental conditions. We anticipate the following actions under this category of services.

- Meetings with the Town and review of Town records relating to building, zoning, septic system failures, documented pollution problems, etc.
- Obtaining copies of the NPDES (discharge) permits for the existing sewage plants on the Island.
- Searching Accomack County Health Department records for locations of septic tanks, failing systems, cesspools, etc.
- Gathering data on water quality from the Virginia Department of Health (VDH) Division of Shellfish, the Virginia Institute for Marine Science (VIMS), the Virginia Department of Environmental Quality (DEQ) and the EPA.
- Gathering data on the location and prohibition of oyster and shellfish beds from the Virginia Marine Resources Commission (VRMC) and the VDH Division of Shellfish.
- Taking supplemental water quality samples for use in developing a baseline water quality model which can be used to prepare an EPA watershed grant application.

3. Preliminary Engineering

During this step classic engineering services will be provided which will investigate the various options for developing alternatives for sewage collection, treatment and disposal of treated effluent. This work will also include evaluating soil conditions, flood plains, existing utilities, road and highway rights-of-way, easement requirements for construction, land use planning and construction requirements. We anticipate the following actions under this category of services.

- Determination of existing and seasonal water use.
- Projection of future water and sewer demands.
- Development of alternatives for sewage collection to include low pressure pump and force mains, vacuum sewers and gravity collection.
- Development of alternatives for wastewater treatment to include process selection, sizes and numbers of plants and plant locations.
- Development of alternatives for treated effluent disposal to include direct discharge at one of more locations, spray irrigation, drip irrigation, deep well injection, reuse, and ocean outfall.
- Identification of existing utilities and their impact on construction.
- Identification of existing rights-of-way and the need for easements.
- Production of mapped alternatives.

4. Budgeting and Financial Planning

Another very important step in the process is identifying the various and creative ways for financing the project. This work will involve numerous variables and alternatives depending

on the project elements chosen for implementation and the phasing of the construction work. We anticipate the following actions under this category of services.

- Developing construction budgets for the various project sewage collection, treatment and disposal alternatives.
- Developing long term operating and maintenance budgets for the various project sewage collection, treatment and disposal alternatives.
- Counting the existing residential and commercial customers on the Island.
- Counting the vacant residential and commercial undeveloped lots on the Island that are prohibited from building due to lack of septic permits.
- Recommending land use requirements on future growth patterns particularly along the waterfront.
- Identify creative ways for financing the project including grants, loans, public - private partnerships, sewage impact fees, tourist impact fees, flush taxes, etc., which will provide immediate and long term cash flow for the project.
- Identify creative methods for charging initial connection fees both for the existing homes and businesses, for lots which due to lack of septic permits are undeveloped and for future growth.
- Meld all the above information into reliable customer hookup fees and monthly user rates.

5. Coordination with Regulatory Agencies

Throughout the Phase I work it will be necessary to work closely with the local, state and federal regulatory agencies as their jurisdictions bear. We expect the following regulatory interface within this category of services.

- Accomack County - Public Relations and Communications.
- Accomack County Health Department - Data on existing septic systems, cesspools, pollution problems, support for a public sewer initiative.
- Accomack - Northampton Planning District Commission - Public Relations and Communications.
- VDH Division of Shellfish Sanitation - Information on existing water quality problems and shellfish closures, support for public sewer.
- VMRC - Location of existing shellfish leases and support for public sewer.
- DEQ - Information on existing wastewater treatment plants, NPDES permit requirements, discharge standards and limitations, prohibitions and restrictions on new discharges and support for public sewer.
- US EPA - Information on documented water quality problems, requirements for deep well injection permits and support for public sewer.
- US Park Service (UPS) - Permit requirements for crossing Assateague Island for an ocean outfall.
- US Fish and Wildlife Service (FWS) - Permit requirements for crossing Assateague Island for an ocean outfall.

6. Permitting

Based on the identified options for sewage collection, wastewater treatment and effluent disposal, identify and discuss the requirements for permitting the necessary elements of

each. This work will include developing a list of all applicable permits and the expected time necessary to file and receive approval for the future project phases. For example the sewage collection system will be permitted by the DEQ. If subsurface land application is the method of disposal then the VDH Office of Water Programs processes the permit otherwise the DEQ handles the treatment plants. However, if deep well injection is used then the EPA issues the permit and the DEQ is not involved.

7. Surveying and Mapping

As part of the initial Phase I work it will be necessary to develop a working base map on which to superimpose various layers of important geographic information. The various layers will include such information as location of existing septic systems, wetlands, water quality problems, etc. and will be integrated with the Town's comprehensive plan and all existing map layers. What is unknown to the Engineer at this time is the level of mapping detail that exists when the GIS mapping system was developed in 2002. In August 2006 the Engineer had the Island flown and photographed for the purpose of developing high resolution mapping for the planning and design of detailed engineering elements (sewer plans and profiles). The condition of the existing mapping system will determine the level of work necessary to complete a functional base map for further information processing. As such we anticipate some involvement from our sub-consultants, McKenzie - Snyder Aerial Survey and Mapping and Eastern Shore Surveyors.

8. Grant Application Planning

Based on the overall results of all the above work and the decisions by the Town Council as how to best to implement the subsequent design and construction phases (such as installing the backbone system initially or planning a more comprehensive system from the outset) identify available and practical grants and public - private partnerships which can be obtained to largely finance the project. In particular the EPA currently has an active "watershed" grant program which offers up to nine hundred thousand dollars for long term project developments which are based on improving water quality. The Chincoteague sewer project fits the profile of the EPA watershed grant program. The specifics of this work will become clear as the project matures.

B. Proposed Fees for Professional Services

1. Basic Services - Items 1 - 5

The Engineer views the Phase I work in three steps. The first step which is the most critical is gaining public support for the overall project. Essentially, Items 1 - 5 provide all the necessary background to develop identify areas of greatest need, to document pollution problems, to properly evaluate alternatives for collection, treatment and disposal, to budget the capital and operating costs for preparing realistic users fee budgets and for producing and providing all work necessary to interface with the public to gain approval for the further project Phases. For the work associated with Items 1 - 5 the Engineer proposes a total fee of **Sixty Thousand Dollars(\$60,000.00)**. The Engineer believes the work associated with Items 1 - 5 can be accomplished and completed within six to eight months.

2. Basic Services - Items 6 - 8

Once we have gained public support for the project the work described in Basic Services Items 6 - 8 will be performed to prepare the Town for submission of grant applications to further proceed to permitting, engineering design and project development. The fee for the necessary work described under this category will be developed once the parameters of the public approval have been decided and established.

3. Sub-Consultant Services

In order to fully complete the anticipated total package of services described for Phase I the Engineer will need to engage sub-consultant services including the aerial triangulation and mapping, the field ground control surveying and the hydrogeologic soils, groundwater and aquifer investigations. The fees for the necessary sub-consultant work described will be developed once the parameters of the public approval have been decided and established.

C. Signature

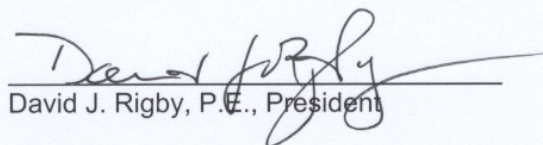
Proposed:

Engineer: Waste Water Management, Inc.

Date:

This 30th day of November, 2006

By:


David J. Rigby, P.E., President

**RESOLUTION
OF THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE**

WHEREAS, it becomes necessary from time to time for the Town of Chincoteague to obtain permits from the Virginia Department of Transportation to install, construct, maintain, and operate certain public works and public utilities projects along, across, over, and upon highway systems of the Commonwealth of Virginia; and

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of the granting to the Town of Chincoteague by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Town Council this 4th day of December, 2006:

Section 1: That per the provisions of Section 1.064 of the Land Use Permit Manual of the Virginia Department of Transportation, the Town of Chincoteague does hereby grant assurances to the Virginia Department of Transportation that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Chincoteague and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, Department or the Commonwealth in the event of suit.

Section 2: That the Town Mayor or his designee, be, and hereby is, authorized to execute on behalf of the Town of Chincoteague all Land User Permits and related documents of the Virginia Department of Transportation.

Section 3: That this resolution shall be continuing resolution and shall not be revoked unless and until sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the Town of Chincoteague shall, if requested by the Virginia Department of Transportation, furnish or shall require its contractors to furnish to the Virginia Department of Transportation a performance bond, guarantee fee or irrevocable letter of credit in a minimum amount of ten thousand dollars (\$10,000) to cover the performance of the permitted work.

BE IT STILL FURTHER RESOLVED that the Mayor be, and hereby is, authorized and directed to procure the insurance required by Section 1 above.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

BANKING RESOLUTION

Financial

Institution: Mercantile Peninsula Bank
Chincoteague Branch
6402 Maddox Boulevard
PO Box 7
Chincoteague Island, VA 23336

Account No: 14035335
14016999

I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY that the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

I FURTHER CERTIFY that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on December 4, 2006, at which a quorum was present and voting, the following resolution was adopted:

RESOLVED, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation (“Agents”), whose actual signatures are shown below:

X _____
John H. Tarr, Mayor of Town of Chincoteague, Inc.

X _____
Robert G. Ritter, Jr., Town Manager of Town of Chincoteague, Inc.

X _____
Anita Speidel, Vice Mayor of Town of Chincoteague, Inc.

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

FURTHER RESOLVED, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation's accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

FURTHER RESOLVED, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

FURTHER RESOLVED, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

FURTHER RESOLVED, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

I FURTHER CERTIFY, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on _____, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

CERTIFIED TO AND ATTESTED BY:

x _____
* CLERK OF COUNCIL

x _____
*MAYOR TOWN OF CHINCOTEAGUE

*NOTE: In case the Secretary or other certifying officer is designated by the foregoing resolutions as one of the signing officers, this certificate should also be signed by a second Officer or Director of the Corporation.

BANKING RESOLUTION

Financial

Institution: Shore Bank
Chincoteague Branch
6350 Maddox Boulevard
PO Box 504
Chincoteague Island, VA 23336

Account No: 33-400709-2
53-400595-5

I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY that the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

I FURTHER CERTIFY that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on December 4, 2006, at which a quorum was present and voting, the following resolution was adopted:

RESOLVED, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation (“Agents”), whose actual signatures are shown below:

X _____
John H. Tarr, Mayor of Town of Chincoteague, Inc.

X _____
Robert G. Ritter, Jr., Town Manager of Town of Chincoteague, Inc.

X _____
Anita Speidel, Vice Mayor of Town of Chincoteague, Inc.

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

FURTHER RESOLVED, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation's accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

FURTHER RESOLVED, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

FURTHER RESOLVED, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

FURTHER RESOLVED, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

I FURTHER CERTIFY, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on _____, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

CERTIFIED TO AND ATTESTED BY:

x _____
* **CLERK OF COUNCIL**

x _____
* **MAYOR TOWN OF CHINCOTEAGUE**

*NOTE: In case the Secretary or other certifying officer is designated by the foregoing resolutions as one of the signing officers, this certificate should also be signed by a second Officer or Director of the Corporation.